

PROMOTIONS IN THE ARMY

George Arthur Lynch to be lieutenant colonel, Infantry.
 William Ewen Shipp to be major, Cavalry.
 Rudolph Daniel Delehanty to be captain.
 William Henry Whiting Reinburg to be captain.
 Elmer Hugo Almquist to be captain.
 Charles Nicholas Senn Ballou to be first lieutenant.
 John Cyril Delaney to be first lieutenant.
 Samuel Rubin to be first lieutenant.
 Donald Wallace Norwood to be first lieutenant.
 Walden Sharp Lewis to be first lieutenant.
 Pacifico Castor Sevilla to be first lieutenant, Philippine Scouts.
 Ralph Henry Lewis to be captain, Veterinary Corps.

REAPPOINTMENTS IN THE ARMY

GENERAL OFFICERS

Palmer Eddy Pierce to be brigadier general, reserve.
 Henry Joseph Reilly to be brigadier general, reserve.

POSTMASTERS

ALABAMA

Frank F. Crowe, Montevallo.

ARIZONA

Charles J. Alden, Globe.
 Grace A. Fox, Oatman.
 Rufus M. Hoffman, Seligman.
 Burl A. Willmoth, Wickenburg.

GEORGIA

Mary P. Hughes, Alapaha.
 Lucius Hannon, Atco.
 Clifford J. Williams, Bainbridge.
 Elizabeth L. Ragan, Bronwood.
 Ertha Garner, Buford.
 Jesse H. Hicks, Chickamauga.
 Alexander Davidson, Cleveland.
 Herbert J. Knowles, Cuthbert.
 Mary L. Burch, Eastman.
 Horace T. George, Eatonton.
 Laurene K. Coleman, Graymont.
 Herschel I. Harris, Hamilton.
 Sara B. Fox, Harlem.
 Eli Waughtel, Homeland.
 Bessie Waldrop, Jackson.
 Eddie L. D. Horne, Leary.
 Roger H. Clark, Louisville.
 Ralph H. Johnson, Ocilla.
 Halton L. Dayton, Thomaston.
 William H. Freeman, Toombsboro.

KANSAS

Joseph B. Dick, Ellinwood.
 Charles I. Zirkle, Garden City.
 Thomas G. Armour, Hutchinson.
 Roy C. Mortimer, McCracken.
 Edmond Houdyshell, Pawnee Rock.
 Caroline Boman, Virgil.
 Henry N. Jessen, White Water.

NEW HAMPSHIRE

Fred H. Ackerman, Bristol.
 Amos J. Dinsmoor, Laconia.
 George L. Crockett, Whitefield.
 William E. Jones, Winchester.

NORTH DAKOTA

Charles C. Bohrer, Cathay.
 May K. Retzlaff, Kenmare.

PENNSYLVANIA

Emma M. Schrock, Garrett.
 Paul Smith, Hughesville.
 Edward Bayley, Picture Rocks.

TENNESSEE

Thomas E. Tipler, Grand Junction.
 Charles H. Bewley, Greenville.
 John T. E. Williams, Jonesboro.
 Alfred F. Agee, LaFollette.
 Mattie S. Luther, Madisonville.
 Joseph R. Mitchell, Mascot.
 Oscar M. Millard, Soddy.
 Kester L. Pearson, White Pine.

TEXAS

James S. Mewhinney, Buckholts.
 Lou Gammill, Calvert.

Jesse D. Starks, Floydada.
 Curtis D. Crossman, Garland.
 Charles A. Duck, Greenville.
 William F. Moore, Kemp.
 John L. Dillon, Leonard.
 Arthur A. McNeil, Moody.
 John B. Reneau, Munday.
 William Tays, New Braunfels.
 Joseph Wren, Normangee.
 Mary J. Lovely, Weslaco.

UTAH

William H. Fitzwater, Duchesne.
 Frank Beesley, Eureka.

HOUSE OF REPRESENTATIVES

MONDAY, December 20, 1926

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou art the life and the light of men. We are so limited and dependent that the silence of necessity is with us. Do Thou touch our hearts with a heavenly glow. We thank Thee for rich privileges. May we answer to their call and rise to their opportunities. Impress us that anything but genuine fidelity to them is failure and sullies our calling with forbidding neglect. Oh, may our zeal never slacken, our faith never weaken, and our love never grow cold. Broaden and deepen our range of understanding and our moral natures. Chasten our pride and continue to fit us for strong and acceptable service for our country which has so honored us. Amen.

The Journal of the proceedings of Saturday was read and approved.

BILL TO PROTECT PATENT RIGHTS OF EX-SERVICE MEN

Mr. BLANTON. Mr. Speaker, may I propound a parliamentary inquiry?

The SPEAKER. The gentleman will state it.

Mr. BLANTON. On the 13th of the month the gentleman from Indiana [Mr. VESTAL] asked unanimous consent to rescind the action of the House and have the Speaker withdraw his signature from Senate bill 4480, which was a bill to protect the patent rights of ex-service men when they were in France. That unanimous consent was refused, and under the parliamentary situation automatically that bill should have gone back to the Senate for the Vice President's signature. I am informed no action whatever has been taken on that bill. The claim is that the bill is still before the House.

The SPEAKER. It is.

Mr. BLANTON. May I propound this parliamentary inquiry? When the House refuses unanimous consent on such a proposition does not that automatically send the bill back?

The SPEAKER. The Chair thinks not. It is simply a question of consideration, it is still on the table.

Mr. TILSON. I hope the gentleman from Texas will let that matter go over until the gentleman from Indiana, the chairman of the Committee on Patents [Mr. VESTAL], can be present.

Mr. BLANTON. I will state to the gentleman from Connecticut, the floor leader of the House, that the ex-service men do not want this action taken. They want the bill to go to the Vice President and be signed. They feel their rights are jeopardized in having that bill held up, and automatically, in my judgment, with all deference to the opinion of our distinguished Speaker, who is a splendid parliamentarian, the bill automatically goes back to the Vice President because the House had refused unanimous consent. That is all I have to say about it.

THEODORE E. BURTON

Mr. TILSON. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to proceed for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. TILSON. Mr. Speaker, to-day is an important day in the annals of Congress, because it marks the three-quarter-century birthday of one of our ablest, most respected, and most beloved colleagues, the Hon. THEODORE E. BURTON, of Ohio. [Applause.]

For more than a third of a century he has been a conspicuous figure in the life of this Republic. He first served in the House of Representatives in the Fifty-first Congress, and, with an intermission of only four years, continued to

serve here with notable distinction until the end of the Sixtieth Congress. In 1909 he went to the United States Senate, where for six years he served with equal distinction. He then voluntarily retired from the Senate and for a number of years was an outstanding figure in the business life of the great metropolis of this country.

When he reached the age at which most men who have been preeminently successful think of retiring from active business, Senator BURTON retired, but not to lapse into ease and idleness. Not THEODORE E. BURTON. It was then that he reached the decision to come back to the House of Representatives, where he had previously spent 16 delightful years in congenial public service, in order that he might devote the ripest and best years of his life to the service of his country here in this body. So he sits among us now, honored, admired, beloved by us all, a veritable tower of strength in our midst. [Applause.]

As he to-day passes the seventy-fifth milestone along the high road of a life crowded with notable deeds of usefulness and crowned with the friendship and love of his fellows, we honor ourselves by pausing in our work to honor him. [Applause.]

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to proceed for two minutes. Is there objection? There was no objection.

The SPEAKER. The gentleman from Tennessee is recognized.

Mr. GARRETT of Tennessee. Mr. Speaker, I join the gentleman from Connecticut [Mr. TILSON] in extending to the distinguished gentleman from Ohio [Mr. BURTON] congratulations upon his attaining his seventy-fifth birthday. For a long period of time the gentleman from Ohio has been recognized nationally and internationally as one of the eminent, outstanding figures of America. His character has always been such as to command the greatest respect, and his intellectuality has been of that quality which commanded admiration. It is with pleasure that I join in the words of congratulation extended to him. [Applause.]

Mr. BURTON rose, and was greeted with applause.

The SPEAKER. The gentleman from Ohio is recognized.

Mr. BURTON. Mr. Speaker and fellow Members of the House, I do not know what I can say to adequately express my thanks to Messrs. TILSON and GARRETT for their kind words, and to you for this friendly demonstration. I am sure that I shall remember this occasion with the deepest gratitude until my latest hour. It is the heart and not the head that is speaking now.

You have surely disproved a prevalent impression that in the hurly-burly of public life appreciation is limited to a politician who is dead. I have lived a long while, and yet I can not say that I have lived long enough. It is my earnest desire to tarry yet a while to see what shall happen in this wonderful age. The 75 years which I have witnessed are contemporaneous—we hardly realize it—with the political and material developments almost equaling all the years that preceded them; and what shall happen in the future? I should give thanks to Heaven every day that I have been preserved to this year in health and strength. Indeed, it seems to me that the qualities which we prize in health have been improved with the passing years. And I may say, in a lighter vein, What shall I be at 80, should nature keep me alive, if life is so full and joyous at only 75? If defeat or sickness or infirmity should detach me from this body and the public service, I know not where I should go, for my ambition is to serve the country which we all love so well.

Let me express the wish, in closing, that irrespective of party affiliations we may engage in the work of this House now and at the beginning of the new year with a comradeship, with a friendship, with a cooperation which shall be worthy of the great task which we have to perform. [Applause.]

Again I thank you. [Applause, the Members rising.]

JOHN B. WEBER

Mr. MACGREGOR. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to proceed for five minutes. Is there objection?

Mr. MACGREGOR. Mr. Speaker, Col. John B. Weber died at his home at Lackawanna, N. Y., a suburb of Buffalo, on Saturday last at the age of 84. He was a Representative in Congress in the Forty-ninth and Fiftieth Congresses from 1885 to 1889 from the thirty-fifth congressional district of New York. The then thirty-fifth district is now largely in the present

forty-second congressional district, from which comes our good friend and colleague JAMES M. MEAD.

Colonel Weber's public service was as sheriff of Erie County, N. Y., Representative in Congress for the Forty-ninth and Fiftieth Congresses, and as Commissioner of Immigration at the port of New York from 1890 to 1893. He enlisted as a private in the Forty-fourth Regiment, New York Volunteers, in the Civil War and attained the rank of colonel of the Eighty-ninth United States Colored Infantry.

His first entry into politics, aside from minor offices, was as the opponent of Grover Cleveland for the office of sheriff of Erie County, N. Y., in which contest Grover Cleveland was elected. At the same time that Colonel Weber took his seat as Representative in Congress Grover Cleveland was inaugurated as President of the United States. In the meantime Mr. Cleveland had been mayor of the city of Buffalo and governor of the State of New York.

It is interesting to note who were the associates of Colonel Weber in the House of Representatives during his term of service.

From Alabama came Gen. Joseph Wheeler, of Civil and Spanish War fame, and also John H. Bankhead, who afterwards became United States Senator, the father of our friend and colleague, the Representative from Alabama, WILLIAM B. BANKHEAD; from Georgia came Charles F. Crisp, Speaker of the House in the Fifty-second and Fifty-third Congresses and father of our esteemed colleague CHARLES R. CRISP; from California, the late lamented Justice of the United States Supreme Court, Joseph McKenna; from Illinois, the beloved Uncle Joe Cannon, who was the idol and respected friend of most of us here, and also our lately departed friend, William Mason, familiarly known as Billy Mason, who went to the Senate and then came back to us; from Iowa, David B. Henderson, Speaker of the House in the Fifty-sixth and Fifty-seventh Congresses; from Indiana, William S. Holman, whose name is so familiar to all of us as the author of the Holman rule; from Kentucky, John G. Carlisle, Speaker of the House in the Forty-eighth, Forty-ninth, and Fiftieth Congresses and later a United States Senator, and later Secretary of the Treasury; from Maine, the famous Thomas B. Reed, Speaker of the House in the Fifty-first, Fifty-fourth, and Fifty-fifth Congresses, and also from Maine, Nelson Dingley, jr., of Dingley bill fame; from Massachusetts, the scholarly and learned Henry Cabot Lodge, who as United States Senator looms large in the history of our country; from New York, Joseph Pulitzer, the remarkable character of newspaper fame, the editor and publisher of the New York World; Samuel S. Cox, familiarly known as Sunset Cox, who served four terms in the House from Ohio and was elected eleven times from New York; Abram S. Hewitt, who afterwards became the mayor of New York City; Sereno E. Payne, of tariff fame; James S. Sherman, familiarly known as Sunny Jim, who afterwards became Vice President of the United States; from Pennsylvania, Samuel J. Randall, Speaker of the House for the last session of the Forty-fourth and during the Forty-fifth and Forty-sixth Congresses, and also Andrew J. Curtin, Civil War Governor of the State of Pennsylvania and later minister to Russia; from Texas, Roger Q. Mills, of Mills bill fame and afterwards United States Senator from Texas; from Virginia, John Randolph Tucker, the father of our esteemed colleague HENRY ST. GEORGE TUCKER; from Wisconsin, the stormy petrel Robert M. La Follette.

All of these distinguished men have been ferried across the river that marks the unknown shore, and now Colonel Weber, the survivor of them all, has joined his colleagues leaving behind him a record of a life of devotion to the public good and a memory that will be cherished by all who had the good fortune to know him. [Applause.]

THE CONSENT CALENDAR

The SPEAKER. The Clerk will call the first bill on the Consent Calendar.

ROAD ON THE LUMMI INDIAN RESERVATION, WASH.

The Clerk read as follows:

A bill (H. R. 61) to authorize an appropriation for the construction of a road on the Lummi Indian Reservation, Wash.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, by agreement with the gentleman from Washington [Mr. HADLEY] I ask unanimous consent that this bill may go over without prejudice and retain its place on the Calendar.

The SPEAKER. The gentleman from Michigan asks unanimous consent that this bill may go over without prejudice and retain its place on the calendar. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, that same request may be made 15 times to-day. The bill should go to the foot of the calendar and then we may be able to catch up—some of us who have work on this calendar. Those bills come before us repeatedly.

Mr. CRAMTON. It is not my desire to occupy time, and the request would not have occupied time without discussion. It is necessary. It is a matter that is being investigated.

Mr. LAGUARDIA. I shall object to the gentleman's request unless the bill goes to the foot of the calendar.

The SPEAKER. Objection is made.

Mr. CRAMTON. I will make the request, under the objection of the gentleman from New York, that without prejudice it may be passed over and go to the foot of the calendar.

The SPEAKER. Is there objection?

There was no objection.

Mr. WINGO. Mr. Speaker, may I make a suggestion that will expedite business? Some Members will insist on the same point. Let the request be made that the bills be passed over without prejudice, and let it be understood that they go to the foot of the calendar.

The SPEAKER. The gentleman from Arkansas asks that it be understood that bills that are passed over shall go to the foot of the calendar. Is there objection?

Mr. CHINDBLOM. Reserving the right to object, that is only for to-day?

Mr. WINGO. Yes; only for to-day. I know there will be this colloquy on several bills, and in order to save time that should be the practice to-day.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

DELIVERY OF A BELL TO THE ROTARY CLUB OF CRAWFORDSVILLE, IND.

The next business on the Consent Calendar was the bill (H. R. 10130) authorizing the Secretary of the Navy, in his discretion, to deliver to the president of the Rotary Club, of Crawfordsville, Montgomery County, Ind., a bell of a battleship that is now or may be in his custody.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. BEGG. Reserving the right to object, Mr. Speaker, I would like to ask the author of the bill if this bell was donated to the Rotary Club?

Mr. UPDIKE. It was not.

Mr. BEGG. Then for what reason do they expect it? It has been suggested that we pass over this bill for a while until the author comes in. I will make that request unless there is some objection.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the bill be temporarily passed over. Is there objection?

Mr. WINGO. Mr. Speaker, in order to save time, I will ask if it is intended that all other similar bills in the interest of rotary are to be treated in the same way?

Mr. UPDIKE. Yes.

Mr. WINGO. I have bills for several of them. It is obvious that it will simply delay matters and clutter up the calendar. I do not think the House should agree to grant this bill to a rotary club unless we agree to all of them.

Mr. CHINDBLOM. Mr. Speaker, I ask unanimous consent that the bill take the course suggested a moment ago by the gentleman from Arkansas [Mr. Wingo], since the author of the bill is not here.

Mr. WINGO. Mr. Speaker, as the author of the bill is not present, I ask unanimous consent that the bill be passed without prejudice and take its place at the foot of the calendar.

The SPEAKER. The gentleman from Arkansas asks unanimous consent that this bill be passed without prejudice and take its place at the foot of the calendar. Is there objection?

There was no objection.

JURISDICTION OVER THE TAKING OF FISH AND GAME WITHIN THE ALLEGANY, CATTARAUGUS, AND OIL SPRING INDIAN RESERVATIONS

The next business on the Consent Calendar was the bill (H. R. 10731) to grant to the State of New York and the Seneca Nation of Indians jurisdiction over the taking of fish and game within the Allegany, Cattaraugus, and Oil Spring Indian Reservations.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BEGG. Mr. Speaker, I would like to have a little information. Why is this necessary on Indian lands, and why should it not apply to State lands as well as Indian lands?

Mr. REED of New York. Mr. Speaker, the situation is this: The Indians have absolutely no chance to protect their own game. The Allegany, Cattaraugus, and Oil Spring Indian Reservations are contiguous to my district and the Indians on those reservations are very anxious to practice conservation. As it stands to-day they have no control over the shooting of game on these reservations. They can not control it at all. Their own people go out and shoot the year around. There are State game preserves right alongside of these reservations, and if a deer wanders over there in the closed season, of course any Indian can go out and kill it. The Indians there do not want that done, and they have asked for this measure. They want the conservation laws of the State of New York to apply to these reservations. Under this bill they are protected in the issuance of licenses. They will get the fees and they will use the money for reforestation and game propagation on the Indian reservations. They are asking for this legislation because it is in their interest.

Mr. BEGG. The gentleman has satisfied me.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent that Senate bill 3728, an identical bill, be substituted for the House bill.

The SPEAKER. The gentleman from Montana asks unanimous consent that Senate bill 3728 be considered in lieu of House bill 10731. Is there objection?

Mr. RANKIN. Mr. Speaker, reserving the right to object, are they identical bills?

Mr. REED of New York. They are not entirely identical, but they are identical with the exception that there is an amendment in the Senate bill that excepts certain property which was condemned by the State of New York. That is all.

Mr. GARRETT of Tennessee. The gentleman means there is an amendment in the Senate bill to do that?

Mr. REED of New York. The Senate bill is identical with the exception that there is an amendment in the Senate bill. The same provisions remain in the bill that I have just discussed, and the only difference is that some years ago the State of New York condemned certain lands for canal purposes, and the amendment in the Senate bill is simply to except those lands from this measure. That is all.

Mr. GARRETT of Tennessee. And that amendment is in the Senate bill?

Mr. REED of New York. That is correct.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That on and after the effective date of this act, the laws of the State of New York (including laws hereinafter enacted) relating to the taking of game and fish shall be applicable to the taking of game and fish within the Allegany, Cattaraugus, and Oil Spring Indian Reservations in the State of New York; except that—

(1) Any such law which discriminates against the Indians and in favor of any other person shall not be applicable; and

(2) The Seneca Nation of Indians shall have the exclusive right to authorize, and to issue permits and licenses for, the taking of game and fish within such reservations.

(3) *Provided, That this act shall be inapplicable to lands formerly in the Oil Spring Reservation and heretofore acquired by the State of New York by condemnation proceedings.*

With the following amendment:

Page 1, line 3, strike out the words "effective date" and insert "passage."

The amendment was agreed to.

The SPEAKER. The Chair will call the attention of the gentleman from New York to a word that is apparently a misprint. In line 4 of the bill the word "hereinafter" should be "hereafter."

Mr. REED of New York. That is correct.

The SPEAKER. Without objection, that correction will be made.

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

A similar House bill was laid on the table.

MILITARY PARK AT THE BATTLE FIELD OF STONES RIVER, TENN.

The next business on the Consent Calendar was the bill (H. R. 6246) to establish a national military park at the battle field of Stones River, Tenn.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, the policy with regard to all of these park bills has been to have a survey made by the department. There are several surveys being made at this time, and as the author of the bill is not present I ask unanimous consent that the bill be passed without prejudice and take its place at the foot of the calendar.

The SPEAKER. The gentleman from New York asks unanimous consent that this bill be passed without prejudice and take its place at the foot of the calendar. Is there objection?

There was no objection.

MILITARY PARK AT AND NEAR FREDERICKSBURG, VA.

The next business on the Consent Calendar was the bill (H. R. 9045) to establish a national military park at and near Fredericksburg, Va., and to mark and preserve historical points connected with the battles of Fredericksburg, Spotsylvania Courthouse, Wilderness, and Chancellorsville, including Salem Church, Va.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, this is the same kind of bill and I make the same request.

The SPEAKER. Without objection, the bill will be passed over without prejudice, taking its place at the foot of the calendar.

There was no objection.

FORT DONELSON NATIONAL MILITARY PARK

The next business on the Consent Calendar was the bill (H. R. 11324) to establish a national military park at the battle field of Fort Donelson, Tenn.

The Clerk read the title of the bill.

The SPEAKER. Without objection, the bill will be passed over without prejudice and take its place at the foot of the calendar.

There was no objection.

FORT HUNT, VA., AND FORT WASHINGTON, MD.

The next business on the Consent Calendar was the bill (H. R. 12391) authorizing the National Capital Park and Planning Commission to purchase Fort Hunt, Va., and Fort Washington, Md.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, it is my painful duty to make the same request.

Mr. HILL of Maryland. Mr. Speaker, I hope the gentleman from New York will reserve his objection, because this bill is different from the other bills.

This bill, which was introduced by the gentleman from Maryland [Mr. ZIHLMAN], chairman of the Committee on the District of Columbia, provides for the transfer from the War Department to the National Capital Park and Planning Commission of Washington of these two historic forts at the valuation placed on them by the War Department. This can not be done until the President himself feels that the time for the transfer has arrived and approves it.

Mr. BEGG. Will the gentleman yield?

Mr. HILL of Maryland. Yes.

Mr. BEGG. Why appropriate money if it is a mere transfer?

Mr. HILL of Maryland. Because there is a separate accounting of the funds that are received from these properties, and they go into the permanent military post construction fund.

Mr. BEGG. Could not the gentleman just introduce a bill authorizing the transfer of this property?

Mr. HILL of Maryland. No; because this property is now occupied by troops, and the troops can not be taken away until there are less expensive barracks provided for them. The housing is very bad there. Last summer I inspected both Fort Hunt and Fort Washington.

Mr. CRAMTON. Will the gentleman yield?

Mr. HILL of Maryland. I yield.

Mr. CRAMTON. There is another interesting feature about this. The National Capital Park and Planning Commission now have authority to buy this property or any other property in the District or in Maryland or in Virginia and then pay for it out of its appropriations; but this bill intends to get away from that and have the expense chargeable to the Federal Treasury instead of taking it out of the ordinary appropriation which they already have authority to use. In other words, with present existing law the commission have authority, if they have sufficient money, to do this very thing now.

Mr. ZIHLMAN. The gentleman does not contend that the District funds should be used to buy forts in Maryland and in Virginia?

Mr. CRAMTON. If the National Capital Park and Planning Commission are to acquire this as a part of their planning and park program, then the expenditure should be taken care of as the law provides for all of the work of that commission. Personally, I may say here that I feel the appropriation which has been made has not been as much as it should be. I think at this time, when construction is so active and all these points are being encroached upon, the commission should have the full \$1,000,000 a year that the law authorizes, but I do not believe we should start a practice here of having this tract or that tract which the commission feel is essential to their program appropriated for out of the Federal Treasury instead of the way that was provided when the law was passed.

Mr. ZIHLMAN. It certainly was not contemplated that forts would be purchased in neighboring States out of the District funds. That is a problem we have got to meet by adopting a fixed policy.

Mr. CRAMTON. That law expressly provides that the National Capital Park and Planning Commission may acquire property in the District or in Maryland or in Virginia and provides how those purchases shall be paid for. If this is a part of their program, as the bill states, it should be paid for as their program is to be paid for under the law.

Mr. HILL of Maryland. Mr. Speaker, just a moment and then I will yield to the gentleman from New York [Mr. LAGUARDIA]. This is not an appropriation, but an authorization. I now yield to the gentleman.

Mr. BLANTON. This is all under a reservation of objection. Mr. LAGUARDIA. How many troops are barracked there now?

Mr. HILL of Maryland. One battalion.

Mr. LAGUARDIA. Where are you going to put them?

Mr. HILL of Maryland. They are to go eventually to Camp Meade. The barracks are now being built at Camp Meade, and they will not be transferred until the barracks are completed.

Mr. LAGUARDIA. The gentleman will recall that when we had before us the sale of surplus property of the War Department, in order to obtain funds to rebuild quarters, the gentleman stressed the necessity of rebuilding these very barracks.

Mr. HILL of Maryland. Oh, no; not as to Fort Washington. The gentleman is wrong about that, because it has always been contemplated that Fort Washington and Fort Hunt would ultimately be abandoned as military posts. The House will be interested in the facts as set forth in the report on this bill, which is as follows:

Mr. HILL of Maryland, from the Committee on Military Affairs, submitted the following report (to accompany H. R. 12391):

The Committee on Military Affairs, to whom was referred the bill (H. R. 12391) authorizing the National Capital Park and Planning Commission to purchase Fort Hunt, Va., and Fort Washington, Md., having considered the same, report favorably thereon with the recommendation that the bill do pass.

It seems of great importance to acquire the properties known as Fort Hunt, Va., and Fort Washington, Md., no longer needed for military purposes, for proper extension of the park system of the National Capital.

Fort Hunt is located in Fairfax County, Va., 16 miles below Washington, D. C. It is located on the Potomac River just across Little Hunting Creek from Mount Vernon. It was acquired by purchase from 1893 to 1896 at a cost of \$45,526.87 and includes 197.413 acres. In House Report No. 375, Sixty-ninth Congress, first session, dated February 24, 1926, its estimated sales value is \$178,281. The entire frontage on the Potomac River and Little Hunting Creek is forested, and a wharf located thereon presents a view up the river to Washington City and down the river to Mount Vernon.

Fort Washington is located in Prince Georges County, Md., 14 miles south of Washington City. It consists of 354.30 acres. It was acquired by purchase and condemnation at various times between 1808 and 1914 at a cost of \$38,117.60. The frontage on the Potomac River and Piscataway Creek is covered with fine forest, and an elevated plateau presents splendid views of the Potomac River and the Maryland embankment to Mount Vernon. Including a substantial wharf, the improvements at this station amount to \$734,386. The present sales value is estimated in House Report No. 374, Sixty-ninth Congress, first session, page 41, as \$175,650.

The United States Bureau of Fisheries formerly occupied a limited portion of the land near the river front but was removed to rented quarters farther down the river when this tract was entirely needed for military purposes. This bureau is anxious to return to this point, and if this were done its hatchery and fish ponds would add great interest in connection with its use as a park.

The reports of both the Senate and House committees on the bill establishing the National Capital Park Commission provide as follows (H. Rept. No. 971, 68th Cong., 1st sess.; S. Rept. No. 245, 68th Cong., 1st sess.):

" * * * For proper extension of the National Capital park system the following lands should be acquired * * * 3. Development of park boulevards down the Potomac, on the Virginia side to Mount Vernon, on the Maryland side to Fort Washington, along the bluffs overlooking the river. * * * "

To carry out this provision it is regarded as one of the most important features of the proposed park extension to acquire the tracts included in both these military reservations. This point constitutes the natural southern terminus of the Potomac boulevard in Maryland. From every standpoint it would seem extremely unfortunate to lose the opportunity of the preservation of such tracts for park and parkway purposes, and there is no question that if now sold the cost of acquiring them at a later period will be greatly in excess of the amount that can now be realized by their sale.

Mr. LaGUARDIA. So the gentleman now requests first an appropriation out of the Federal Treasury to acquire this property, and then the building of new barracks to house the troops that are now at this very post.

Mr. HILL of Maryland. No; that is not quite the situation. The situation is that as soon as the new barracks, which Congress has already authorized, are constructed at Camp Meade, the troops in Fort Hunt and Fort Washington will be at once transferred to Camp Meade. These posts will ultimately be sold either to a branch of the Government or to the public. Under the law as it now exists the War Department is directed to sell them, and it would be a most unfortunate thing if these two very historic posts, especially Fort Washington, which has some of the most interesting fortifications in the country in it, should be sold to some private individual.

Mr. LaGUARDIA. Who owns them now?

Mr. HILL of Maryland. The Government owns them now.

Mr. LaGUARDIA. They will not run away, will they?

Mr. HILL of Maryland. No.

Mr. LaGUARDIA. Then, what are you worrying about?

Mr. HILL of Maryland. Under the act of Congress previously passed they are directed to be sold.

Mr. LaGUARDIA. No; that is entirely under the control of the War Department. That is my objection to the bill.

Mr. HILL of Maryland. But Congress has given the War Department the power to sell them.

Mr. LaGUARDIA. And the gentleman urged that bill. I object, Mr. Speaker.

Mr. BLACK of Texas. Mr. Speaker, in order to end this discussion, I object to the bill.

Mr. HILL of Maryland. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. RAMSEYER. Mr. Speaker, what is the effect of the unanimous consent granted to the gentleman from Arkansas [Mr. WINGO]?

The SPEAKER. Where a request is granted that the bill be passed over without prejudice the bill goes to the foot of the calendar.

Mr. RAMSEYER. A bill passed over without prejudice goes to the foot of the calendar.

The SPEAKER. Yes.

HUMAN BLOOD FOR TRANSFUSION

The next bill on the Consent Calendar was the bill (H. R. 12468) to pay for human blood for transfusion purposes.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. BLANTON. I object. It is liable to be abused.

Mr. JAMES. Will the gentleman reserve his objection?

Mr. BLANTON. I will reserve it if the gentleman wants to speak about it. I shall object finally.

Mr. JAMES. I want to say that the War Department has been paying \$25 to a soldier who was willing to give his blood to save another soldier's life. The Comptroller General has ruled that that can not be done. It is not an easy thing to get somebody to give his blood. It is not an easy thing in case somebody is willing to give his blood to get blood of the right type. I know, because I have had three transfusions. It is not simply the case of a friend coming in and being willing to give his blood. There are four types; type 1, type 2, type 3, type 4. When I had the three transfusions I had many friends who wanted to give me their blood, but they were of a different type, and I had to pay somebody to give me his blood. If this bill passes, they would find soldiers who were willing to give their blood, and they would find out what type they were

and then when it was necessary for a transfusion they would look up the record and find the right type and use that man's blood. I do not think this will be abused.

Mr. BLANTON. The gentleman had no trouble in getting blood, did he?

Mr. JAMES. I could not use many who wanted to give me their blood because their blood was not the same type as mine.

Mr. BLANTON. But the gentleman did get blood three times.

Mr. JAMES. Yes.

Mr. BLANTON. If the gentleman knew the hospitals as I do, he would understand that under such a law it would be abused every day, and I object.

The SPEAKER. The gentleman from Texas objects, and the bill is stricken from the calendar.

CORRECTING THE ACCOUNT BETWEEN THE STATE OF NEW YORK AND THE UNITED STATES

The next bill on the Consent Calendar was House joint resolution (H. J. Res. 207) directing the Comptroller General of the United States to correct an error made in the adjustment of the account between the State of New York and the United States, adjusted under the authority contained in the act of February 24, 1905 (33 Stat. L. p. 777), and appropriated for in the deficiency act of February 27, 1906.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. LaGUARDIA. Reserving the right to object, what authority does this bill carry? Is it a bookkeeping transaction or is the money to be paid?

Mr. GRAHAM. It is a bill to correct an error in the adjustment of the claim reported by the comptroller, and is asked for in order to correct an inadvertence in that settlement.

Mr. LaGUARDIA. It is a bookkeeping proposition?

Mr. GRAHAM. I understand it so.

Mr. TILSON. Will the gentleman from Pennsylvania yield for a question?

Mr. GRAHAM. Yes. I ask unanimous consent that the bill be passed over until the gentleman from New York who introduced it is present.

Mr. TILSON. Reserving the right to object, may I call the attention of the gentleman to the fact that in these resolutions it is usual to drop the whereases when the resolution is adopted. If that should be followed in this case the joint resolution would be meaningless with the whereases dropped out. The resolution does not carry sufficient language to explain the matter at all.

Mr. LaGUARDIA. It would open up all sorts of accounts with the State of New York.

Mr. GRAHAM. No.

Mr. TILSON. If the whereases are eliminated, as they usually are, the resolution is meaningless.

Mr. GRAHAM. Every good rule admits of an exception, and in this case the whereases would be retained with the resolution. It was presented to the House in the form that it now is, referred to our committee, and the committee did not see fit to strike out the whereases for the reason suggested by the gentleman from Connecticut that without the introductory language the resolution would not be clear. But I have asked that it be passed over until the gentleman from New York [Mr. SWEET] comes in.

Mr. BEGG. I think that would be a waste of time. If it is called up again to-day, I shall object to it.

Mr. GRAHAM. I ask, Mr. Speaker, that the bill go over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

REFUNDING OF CERTAIN LEGACY TAXES

The next business on the Consent Calendar was the bill (H. R. 7588) to extend the time for the refunding of certain legacy taxes erroneously collected.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. UNDERHILL. Mr. Speaker, I object, and I want my objection registered so that this will go off the calendar permanently.

Mr. CHINDBLOM. Mr. Speaker, I join in the objection.

Mr. LaGUARDIA. Mr. Speaker, I join in the objection.

The SPEAKER. Three objections are noted, and the bill is permanently stricken from the calendar.

Mr. TILSON. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. GRAHAM] may make an explanation of the bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. GRAHAM. Mr. Speaker, I want to know the basis for the objections?

Mr. CHINDBLOM. Mr. Speaker, this is a bill extending the time of limitations within which to make claims for refunds of taxes, and the bill should not have gone to the Committee on the Judiciary. We have had that same question before the Committee on Ways and Means with reference to every revenue bill.

Mr. GRAHAM. I beg the gentleman's pardon, but it is properly in this connection referred to the Committee on the Judiciary, in view of prior legislation upon this very subject; but aside from that I want to know whether the objection was based upon a mere form of procedure or to the merits of the bill.

Mr. CHINDBLOM. It is based upon the merits of the bill to this extent. We have the same kind of questions in dozens of different forms before the Committee on Ways and Means and we have uniformly refused to open up the period of limitation for the refunding of taxes.

Mr. LAGUARDIA. And will the gentleman add that this same bill has been reported unfavorably three times.

Mr. GRAHAM. Mr. Speaker, I thought unanimous consent had been given to me to make an explanation. An act was passed in 1902 which provided that all taxes should be suspended on contingent distribution claims, either under a will or under an intestacy. The Treasury by its rulings decided that the act did not apply to anything but wills, and it required litigation up to 1915 to have it established by the Supreme Court that it did apply to intestacies and that no legacy or distributive share should be taxed unless it were reduced to possession and enjoyment prior to July 1, 1914. There was no statute of limitations in the act of 1902—none whatever. An act was passed in 1912 which declared that all claims not presented to July 1, 1914, should be barred. Meantime these two estates or three were appealing their cases to the Supreme Court under the prior rulings, and the Supreme Court decided not only that this act of 1902 referred both to intestacies and testacies but also provided that these claims, unless the distributive share had not been reduced to possession or enjoyment prior to that time, could not be taxed. The Attorney General in 1907 rendered an opinion in which he said that this money which had been collected improperly by the Government is nothing but a fund held in trust, to be turned back to these people who are entitled to it, and he went further and said that the claims ought to be allowed at once. However, this question of the statute arose, and it was held open. There are three or four claimants, with an aggregate of less than \$100,000, whose money had been collected and held by the Government, as the Attorney General declared, as a trust fund, and you refuse to return it to them. The Committee on Claims passed on this, and the Committee on the Judiciary has passed upon it, and it is properly and regularly before the House under this reference.

Mr. CHINDBLOM. Will the gentleman permit a question?

Mr. GRAHAM. Yes.

Mr. CHINDBLOM. After all, it is money paid under a mistake of law.

Mr. GRAHAM. Not at all.

Mr. CHINDBLOM. It is taxes paid under a mistake of law.

Mr. GRAHAM. No; it is money paid under an erroneous ruling of the Treasury.

Mr. CHINDBLOM. We have had the same thing numberless times in the consideration of the two revenue bills since I have become a member of the Committee on Ways and Means, the revenue act of 1924 and the revenue act of 1926. Some people pursue their remedies and go into the courts and get the rulings of the courts. Others pay the taxes without question, and then the plea is made that because the Supreme Court has passed upon one case all who are similarly situated should have the same treatment. It is exactly that question.

Mr. GRAHAM. My friend will pardon me for suggesting that that is in error in this case. The gentleman is saying that a class is rushing in here to get paid. That is not true. Nearly everybody who had these claims came in before July 1, 1914, and they have been paid. Ninety-five per cent of all of the claims have been paid, but 5 per cent, because of their litigation, have been suspended. They now ask for six months in which to present those claims. It is a matter of justice. The great Government of the United States can afford to be honest with its taxpayers and not stand upon any technicality. Remember, that in 1902 Congress said that this should not be taxed. Will Congress stultify itself now because the money has passed into the Treasury by holding on to it and refusing to give it back? It is monstrous injustice.

Mr. CHINDBLOM. The gentleman is making the same argument we have had before the Ways and Means Committee on

other similar cases. I do not think we should make flesh of some cases and fowl of others.

Mr. BEGG. Mr. Speaker, I demand the regular order.

The SPEAKER. The Clerk will report the next bill.

BRIDGE ACROSS COLUMBIA RIVER BETWEEN LONGVIEW, WASH., AND RAINIER, OREG.

The next business on the Consent Calendar was the bill (H. R. 11608) granting the consent of Congress to W. D. Comer and Wesley Vandercook to construct, maintain, and operate a bridge across the Columbia River between Longview, Wash., and Rainier, Oreg.

The Clerk read the title of the bill.

Mr. SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRUMPACKER. Mr. Speaker, I object.

Mr. SINNOTT. Mr. Speaker, I object.

Mr. HAWLEY. Mr. Speaker, I object.

The SPEAKER. Three objections are heard, and the bill is stricken from the calendar.

STEAMSHIP "MADELEINE"

The next business on the Consent Calendar was the bill (H. R. 11516) to authorize the payment of an indemnity to the Government of France on account of losses sustained by the owners of the French steamship *Madeleine* as a result of a collision between it and the United States steamship *Kerwood*.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. I object.

Mr. LOZIER. Mr. Speaker, I object.

The SPEAKER. The Chair only notes two objections.

Mr. BLANTON. Then, of course, the bill comes up.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Government of France, out of any money in the Treasury not otherwise appropriated, a sum equivalent to £3,550 2s. 5d. in settlement of a claim presented by the Government of France on account of damages sustained by the French steamship *Madeleine* in a collision with the United States steamship *Kerwood*, in the harbor of Brest, France, on May 11, 1918.

Mr. BLANTON. Mr. Speaker, I ask recognition. At least if we pass this bill we ought to amend it and provide that this money ought to be credited to the obligations which the French Government owes the United States. We have paid France in cash for everything, notwithstanding the billions she owes us. I have been wondering whether if we go out in the Speaker's lobby and look in those two vases we will find in them the \$4,000,000,000 the French Government owes the United States. They must have sent it over here and it must be in those vases; none of it reached the Treasury of the United States. I am one of those who want the French Government to do something. My constituents and your constituents are still borrowing money to pay for Liberty bonds that they subscribed to during the stress of war to furnish these \$4,000,000,000 to the French Government, and yet we keep on passing these bills and keep on paying the cash to the French Government, and we are getting nothing but criticism and condemnation from the French nationals. Now, if the Congress wants to do that, why it has that right. We all have different minds; there is a divergence as to our judgment. You may do it, but I do not want to do it.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

REFUND OF \$25,000 TO THE COLUMBIA HOSPITAL FOR WOMEN AND LYING-IN ASYLUM

The next business on the Consent Calendar was the bill (S. 2729) to authorize the refund of \$25,000 to the Columbia Hospital for Women and Lying-in Asylum.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object—

Mr. BLANTON. I am going to object.

Mr. CRAMTON. Will the gentleman withhold the objection for a moment?

Mr. BLANTON. Yes.

Mr. CRAMTON. Mr. Speaker, this is a private institution which performs absolutely a District function. The District has a contract with them by which they care for District patients and they are paid for on a per capita basis for such care. From time to time gifts are made from the Treasury to

the institution. Before 1917 several hundred thousand dollars of such gifts. From 1917 down to date the gifts run about \$200,000, and the very year this alleged refund occurred—

Mr. BEGG. Did I understand the gentleman to say from 1917 down to date it was \$200,000?

Mr. CRAMTON. Yes; and the very year this alleged refund took place the gift was about \$20,000, so that when these accumulated moneys in the Treasury were turned over to the District and the Federal Treasuries, there had been gifts at least ten times over what that amounted to. Now, this bill is in the nature of a further gift. Whenever we desire to make further gifts it should be a District proposition and not charged against the Federal Treasury. There is a bill to follow providing a \$300,000 gift in the way of a new building. That I have no objection to and shall not object to it, but I object to this for two reasons. First, because it comes in under a claim of being a refund as if we had taken something away from them. That is not true or fair. The second reason is the bill before us involves a charge on the Federal Treasury that should not be made.

Mr. ZIHLMAN. If the gentleman will withhold his objection in order that I may make a very brief statement.

Mr. CRAMTON. I will withhold my objection, but I intend to make it.

Mr. ZIHLMAN. I will say the gentleman is in error; this is not a private institution. This hospital is erected on land owned by the Federal Government. The buildings were paid for one-half by the Federal Government and one-half by the District of Columbia.

Mr. CRAMTON. Several hundred thousand dollars?

Mr. ZIHLMAN. Possibly. Now, I will say to the gentleman—

Mr. CRAMTON. Does the gentleman claim the hospital is managed by officials of the District of Columbia?

Mr. ZIHLMAN. It is managed by officials appointed by the District Commissioners.

Mr. CRAMTON. It is a public institution and not a private corporation?

Mr. ZIHLMAN. It is a private corporation conducting a hospital erected by the Federal Government. The land is owned by the Federal Government and the institution is directed by the Federal Government.

Mr. CRAMTON. That does not change the fact that the institution has received from the District and the Federal Treasury gifts twenty times greater than this alleged refund. The balance is in favor of the Federal and District Treasury.

Mr. ZIHLMAN. Conceding that, the situation is this: This hospital, which is a Government institution, is three years back in its current bills. It is badly in need of repair. It has no home for nurses. It is obliged to go out and get nurses outside the hospital, imposing an additional cost running into a deficit every year. They have already received more than generous treatment from those who make up the budget of charitable institutions in this District.

Mr. CRAMTON. I repeat that any estimate that comes up in a regular way for an appropriation for this institution will have no opposition from me.

Mr. TILSON. The gentleman says this is a Government institution erected on Government land. Is it not a fact that it is really a District of Columbia institution, so far as its service is concerned?

Mr. ZIHLMAN. Yes. The gentleman from Kansas [Mr. STRONG] is one Member who is in great sympathy with any effort made to put this hospital on a self-sustaining basis, and there are other Members who are equally interested in placing the hospital on a self-sustaining basis.

Mr. BEGG. Mr. Speaker, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. BEGG. If this hospital has to be operated by the Government on Government land, why is it not operated by the Government?

Mr. ZIHLMAN. The District has not taken it over as a public institution, and just why that is so I am unable to say, but it is certainly a semipublic institution in the District of Columbia.

Mr. BLANTON. If the gentleman from Maryland would go there to-day, he would have to pay from \$8 to \$10 a day for his room and \$50 a week for his nurse.

Mr. LAGUARDIA. But it is a lying-in hospital.

Mr. CRAMTON. Is not the real purpose to get the money out of the Federal Treasury to maintain this institution?

Mr. ZIHLMAN. No; as a means of paying some pressing bills of the institution. They felt that as to the \$25,000, which was a surplus during the crowded period of the war, it was wrong to cover it into the Treasury. But whether they receive it in this way or in the District of Columbia appropriation bill is

immaterial. This hospital is really in need of financial aid at this time.

Mr. CRAMTON, Mr. BLANTON, and Mr. VINCENT of Michigan objected.

The SPEAKER. Three objections have been made. The Clerk will report the next bill.

NURSES' HOME FOR THE COLUMBIA HOSPITAL

The next business on the Consent Calendar was the bill (H. R. 10355) to authorize the construction of a nurses' home for the Columbia Hospital for Women and Lying-in Asylum.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. I object. This bill ought not to come up in this way.

The SPEAKER. Objection is heard. The bill is stricken from the calendar. The Clerk will report the next bill.

AMENDING THE CODE OF THE DISTRICT OF COLUMBIA RELATING TO CORPORATIONS

The next business on the Consent Calendar was the bill (H. R. 12661) to amend the Code of Law of the District of Columbia relating to corporations by inserting a new section to be known as section 645.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Reserving the right to object, Mr. Speaker, this bill is designed to permit the American Bar Association to incorporate.

Mr. LAGUARDIA. That is another bill.

Mr. BLANTON. I see. I shall not object.

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, I want to point out to the gentleman from Maryland [Mr. ZIHLMAN] that we have a law in our State and it is quite a hardship on owners of small homes to secure second mortgages. They can not go to the loan shark and get a second mortgage unless they incorporate in order to get away from the usury law. I do not think we should extend that vicious practice to the District of Columbia. Therefore I object.

The SPEAKER. Objection is heard. The bill is stricken from the calendar. The Clerk will report the next bill.

AMENDING SECTION 6 OF THE ACT OF AUGUST 30, 1890

The next business on the Consent Calendar was the bill (H. R. 12775) amending section 6 of the act of August 30, 1890.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BEGG. Reserving the right to object, I would like to get some information on it.

Mr. BLANTON. This is a bill introduced by my colleague from Texas [Mr. HUDSPETH], and it is a very important measure. Mr. HUDSPETH is now absent both on account of sickness in his family and pressing business. Otherwise he would be here at this time. This bill is highly important to the cattlemen of the Southwest who have cattle in Mexico.

Mr. BEGG. I was given to understand by the author of the bill about a year ago, when the bill was introduced, that it was just a sort of emergency proposition. The cattle were taken to Mexico during a period of shortage of pasture on the American side. What are you trying to do?

Mr. BLANTON. The range in some places becomes short of water and grass, and the cattle will die unless they are moved. The cattleman takes his cattle to Mexico in such an emergency, expecting to bring them back.

He tides over his emergency; it rains, he gets grass back on his ranch, and he wants to bring his cattle back. This is to permit the Secretary of Agriculture to provide safeguards and allow him to bring them back.

Mr. BEGG. I think the gentleman had better ask to have the bill passed over.

Mr. BLANTON. I am sure the gentleman from Ohio knows the conditions that now exist in Mexico.

Mr. BEGG. When did those conditions come about and when was this drought?

Mr. BLANTON. The gentleman knows. In certain parts of the Southwest we have droughts regularly, though not in the same sections.

Mr. BEGG. And that is where you grow the cattle, is it?

Mr. BLANTON. Sometimes cattlemen in one part of the State have magnificent grass and water, while cattlemen in another part of the State have none, and their respective situations are then reversed the next year. The gentleman knows the conditions in Mexico now, and he knows the great emergency for getting property out of certain parts of Mexico.

Mr. BEGG. When did that emergency arise?

Mr. BLANTON. Well, it has been in existence for months, but Congress has not been in session.

Mr. BEGG. But this bill was introduced about a year ago.

Mr. BLANTON. But it has been emphasized by the recent growing unrest in Mexico. I hope the gentleman will let this bill pass.

Mr. BEGG. No; I think I will have to object.

The SPEAKER. Is there objection?

Mr. BEGG. I object.

LOAN OF CERTAIN FRENCH GUNS TO THE CITY OF WALLA WALLA, WASH.

The next business on the Consent Calendar was House joint resolution (H. J. Res. 233) authorizing the Secretary of War to loan certain French guns which belong to the United States and are now in the city park at Walla Walla, Wash., to the city of Walla Walla, and for other purposes.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. Without objection, the whereases will not be reported.

There was no objection.

The Clerk read the resolution, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized and directed to loan the four French 155-millimeter guns with their carriages and all appurtenances thereto which are now in the city park at Walla Walla, Wash., to the city of Walla Walla without bond until such time as said guns may be needed for national defense.

With the committee amendment striking out all the preambles.

The committee amendment was agreed to.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the resolution was passed was laid on the table.

AMENDING SECTION 6 OF THE ACT OF AUGUST 30, 1890

Mr. BEGG. Mr. Speaker, I ask unanimous consent to withdraw my objection to the bill just ahead of the last one and have it passed over without prejudice.

The SPEAKER. The gentleman from Ohio asks unanimous consent to withdraw his objection to House bill 12775 and asks unanimous consent that the bill may be passed over without objection.

Mr. BLANTON. And retain its place on the calendar.

Mr. BEGG. I did not make that request.

The SPEAKER. The Chair will not submit that request, in view of the unanimous-consent agreement that bills passed over without objection should go to the foot of the calendar.

Mr. BLANTON. Mr. Speaker, in view of the fact that my colleague [Mr. HUDSPETH] is detained on account of sickness and very pressing business, I ask in this one instance that this particular bill retain its place on the calendar.

Mr. BEGG. Mr. Speaker, I object.

DREDGING AND FILLING IN THE VICINITY OF THE ABERDEEN PROVING GROUNDS, MD.

The next business on the Consent Calendar was the bill (H. R. 11087) authorizing certain dredging and filling in the vicinity of the Aberdeen Proving Grounds, Md.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, at first blush this bill appears to be a humanitarian bill to protect poor ducks from being poisoned, but as you read it it seems to be a bill to prevent the poisoning of ducks so that men may shoot them. Perhaps the gentleman from Maryland [Mr. HILL] can explain to the House why \$90,000 should be appropriated for this purpose.

Mr. HILL of Maryland. Mr. Speaker, in the testing of inflammatory shells the Aberdeen Proving Grounds have covered large areas in the upper waters of the bay and the lower waters of the Susquehanna with phosphorus pellets which will exist indefinitely under water. All sorts of remedies have been tried to prevent the death of ducks in huge quantities all over that section of the State from eating these pellets. It is not only bad for the ducks but deleterious for the people who pick them up and eat them.

Mr. LAGUARDIA. Ducks?

Mr. HILL of Maryland. Yes. The War Department has made every attempt to remedy this condition, and the only way it can be done is by proper dredging. We have spent a great

deal of money on the protection of ducks and other wild fowl, and it is absolutely necessary that this be done.

Mr. LAGUARDIA. This certainly represents a most novel feature of our rivers and harbors, that of dredging to help ducks. If the gentleman and his friends around there want to remedy that condition, they can easily chip in and pay the \$90,000 and purify the water so that those who kill ducks and eat them afterwards will not be poisoned.

Mr. SUMMERS of Washington. Is it to help lame ducks?

Mr. LAGUARDIA. Is that nice? I object, Mr. Speaker.

Mr. HILL of Maryland. Mr. Speaker, I want to say to my friend that I am not a lame duck. I did not run for the House and get defeated. I tried to get in the Senate, and, therefore, I am a static statesman and not a lame duck. [Laughter.]

I carried my congressional district by a large majority in the senatorial primary and Baltimore City by 3,816. In the state-wide senatorial primary a change of 182 votes in three counties and districts would have nominated me as candidate for the Senate from Maryland.

The House should give careful consideration to the facts relating to the Aberdeen Proving Grounds as set forth in the report, which is as follows:

Mr. HILL of Maryland, from the Committee on Military Affairs, submitted the following report to accompany H. R. 11087:

The Committee on Military Affairs, to which was referred the bill (H. R. 11087) authorizing certain dredging and filling in the vicinity of the Aberdeen Proving Grounds, Md., having considered the same, report thereon with the recommendation that it do pass.

This is a bill to bring about an abatement of a condition existing in a certain area of the upper reaches of the Chesapeake Bay that is causing the death of thousands of wild ducks and other fowl every year during their spring and fall migrations. These ducks and geese are found poisoned and dead in thousands all along the shores of Kent, Harford, Cecil, and the adjoining counties.

During the year 1923 the War Department, in a series of experiments at Aberdeen Proving Grounds, dropped bombs containing phosphorus in this area of the bay. This chemical, poisonous to the fowl, is preserved in water, consequently it is just as potent in its effect to-day as it was when first dropped, and the War Department experts state it will so continue unless remedied.

Of course, as soon as the department knew of its effect the experiments were stopped and have not been resumed where such damage would be inflicted, but until some method similar to that proposed in this measure is carried out the disastrous losses of this wild fowl will continue in this area.

During the hearings on the bill it was developed that this area forms the first stopping place of the wild ducks in their migration south in the fall and north in the spring. Consequently it is the finest hunting grounds on the eastern seaboard for wild duck, and farmers and sportsmen all over this section of the country are interested in the passage of this legislation.

The area where the deaths occur has a growth of celery upon which the ducks feed. However, because of the deposit of phosphorus the ducks are poisoned; and although the War Department is expending approximately \$1,500 a year for gas guns which fire at regular intervals and have provided lights to try to scare away the ducks, it has not proven effective, and the deaths still continue.

The bill proposes the dredging of an area and the filling and covering of this poisoned area. This dredging will open a channel so that a wharf can be established at Aberdeen Proving Grounds, a very desirable addition to the facilities at that important Government experiment station. Thus the measure, if enacted, will provide a twofold benefit.

The report of the War Department on this measure is as follows:

APRIL 28, 1926.

HON. JOHN M. MORIN,

Chairman Committee on Military Affairs,

House of Representatives.

DEAR MR. MORIN: In compliance with your request of April 14, 1926, I am pleased to submit the following report on H. R. 11087.

The subject of the proposed legislation is "authorizing certain dredging and filling in the vicinity of the Aberdeen Proving Grounds, Md."

There are no applicable provisions of existing law on the subject, and no changes will be brought about in any existing law by the proposed legislation.

The deposit of phosphorus which it is proposed to remove by dredging arose from firing conducted with the 4-inch Stokes trench mortar using phosphorus-filled shells, between May 19 and June 6, 1923. A considerable number of reports of casualties in wild fowl were received in December, 1923, and in the early part of 1924. An investigation made by the commanding officer, Aberdeen Proving Ground, and by the Bureau of Biological Survey of the Department of Agriculture, disclosed that many of the casualties were due to phos-

phorus poison and that the probable source of the poison was the area in question.

In the seasons of 1924-25 and 1925-26 enlisted guards were stationed in this area and some apparatus was used for the purpose of frightening the wild fowl and preventing them from alighting. As a result of the measures taken, it is known that the number of birds killed by phosphorus in the last two seasons has greatly decreased, and it is believed that there will be a further decrease this year.

Estimates prepared by the district engineer, United States Army, Baltimore, Md., for the removal of the phosphorus-infected material from the bottom of this area or the filling of the area vary from \$65,000 to \$90,000, the former figure involving the dredging of one part of the area and the filling of the remaining part, while the latter figure involves the dredging of the entire area and the placing of the material on shore. It is believed that for an annual expenditure of about \$1,500 the area in question can be guarded as in the past two seasons and more efficient frightening devices can be installed and operated during each season.

The necessity of action to protect the bird life in this area is recognized, but it is believed the expensive work of dredging to accomplish the purpose is not justified at this time, since it is probable that a continuation and improvement of the system of guards and frightening devices will accomplish the same end with much less expenditure of funds.

If any additional information from the War Department is desired, I shall be pleased to furnish it.

If the Committee on Military Affairs wishes to have hearings upon the proposed legislation, the following-named officers are designated to appear before your committee: Col. W. H. Tschappat, Ordnance Department; Maj. W. N. Porter, Chemical Warfare Service.

Sincerely yours,

DWIGHT F. DAVIS, *Secretary of War.*

Witnesses at the hearings testified that the deaths of ducks are increasing rather than decreasing. The proposed legislation will be cheaper in the long run and will remedy an intolerable condition.

WORLD WAR NATIONAL GUARD ORGANIZATION

The next business on the Consent Calendar was the joint resolution (H. J. Res. 272) providing for the return of funds belonging to World War National Guard organizations that are not reconstituted.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, in the absence of my colleague the gentleman from Minnesota, I will ask to have this bill passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

PURCHASE OF UNIFORMS, ACCOUTERMENTS, AND EQUIPMENT

The next business on the Consent Calendar was the bill (H. R. 3936) to repeal the laws authorizing the purchase of uniforms, accouterments, and equipment from the Government at cost.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, I object.

Mr. HILL of Maryland. I hope the gentleman will reserve his objection a moment. I have been asked, Mr. Speaker, what is a static statesman, and I would like to say that a static statesman is a more or less dead politician. [Laughter.]

PAYMENTS FOR MUNICIPAL IMPROVEMENTS ON RECLAMATION PROJECTS

The next business on the Consent Calendar was the bill (H. R. 430) to authorize payments for municipal improvements on reclamation projects, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, this bill, if passed, would establish a precedent that would be quite far-reaching. At the present time the Government does not assume obligation for paving adjacent to its property throughout the country. If this should become law, then it would necessarily have to be extended to include property adjacent to post-office buildings, and so forth, involving paving charges galore. I believe that so far-reaching a precedent ought not to be made, and therefore I object to the consideration of the bill.

MEMORIAL DAY

The next business on the Consent Calendar was the joint resolution (H. J. Res. 266) providing for the observance of the sixtieth anniversary of the first Memorial Day, and for other purposes.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection?

Mr. BEGG. Mr. Speaker, I object.

Mr. DENISON. Mr. Speaker, reserving the right to object, I dislike to object to this bill, for one reason on account of my high respect for the author of the resolution; but the Congress last year passed a bill to commemorate the origin of Decoration Day, and that bill has been approved by the President and preparations are being made to erect the memorial tablet commemorating this event in the Memorial Amphitheater in Arlington Cemetery. The order originating Memorial Day was issued by General Logan when he was commander in chief of the Grand Army of the Republic. This bill has already become a law, and for that reason I am constrained to object to the consideration of this bill.

Mr. ADKINS. Will the gentleman yield for a question?

Mr. DENISON. Yes.

Mr. ADKINS. Are not those tablets being sent throughout the country now and being put up in compliance with the law the gentleman refers to?

Mr. DENISON. Yes; but there is one to be placed in the Amphitheater in Arlington Cemetery under the resolution passed by the last Congress to commemorate this event, and for that reason I object.

Mr. ADKINS. I object.

Mr. RANKIN. Will the gentlemen who objected reserve their objections in order that I may ask that the bill be permitted to go over without prejudice?

Mr. BEGG. Mr. Speaker, I think the thing to do with some of these bills is to get them off of the calendar, and I object to that.

INCORPORATION OF THE AMERICAN BAR ASSOCIATION

The next business on the Consent Calendar was the bill (H. R. 11277) to provide for the incorporation of nonprofit, nonsecret associations of a national character formed for patriotic and for professional purposes in the District of Columbia.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Reserving the right to object—

Mr. BLANTON. Will the gentleman yield? The gentleman from New York will note that under the preamble of the bill numerous organizations may incorporate. The report is headed "Incorporation of American Bar Association." If the bill was for that purpose alone I would not object to it. But as the bill is drawn it does not restrict it to the bar association and it ought to be amended. If we could amend it on the floor and merely provide for the American Bar Association, with which we are all in sympathy, I do not think there would be any objection.

Mr. RATHBONE. If the gentleman will yield, my colleague [Mr. McLEOD], who introduced the bill, is not present. He is not able to be here. I know that it would be agreeable to him to have it amended. The purpose was to permit the American Bar Association to incorporate here in the District of Columbia. I am perfectly willing to assume responsibility and say that we will agree to the amendment.

Mr. LAGUARDIA. The bill would have to be redrafted because I raised the same objection at the last session.

Mr. RATHBONE. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

Mr. BEGG. I object to that. Let us perform the operation on it now.

Mr. HILL of Maryland. I should be one of the three objectors to the bill as it is drawn, although I have no objection to the American Bar Association.

Mr. BLANTON. It ought to be redrafted.

Mr. GRAHAM. Mr. Speaker, if this bill were to be changed by amendment and confined to the incorporation of the American Bar Association it would still be subject to another objection. It ought not to be in the District Committee. The American Bar Association's application for incorporation has been before the Judiciary Committee a number of times. A bill is pending for that purpose there now. But the objection of that committee has been based on the theory that incorporations by act of Congress ought not to be granted unless the incorporation is for some purpose in furtherance of the delegated powers of the National Government. In other words, the Congress of the United States is not a mill to turn out corporations for everybody. [Applause.]

Mr. RATHBONE. If the gentleman will yield, the Constitution of the United States gives Congress the exclusive jurisdiction over the District of Columbia. There is no incorporation law of the District of Columbia at the present time which

would permit of this incorporation, unless a certain number of the incorporators were residents of the District. It would be unfair to the National Bar Association to require them to meet those requirements and that is why they are applying for a charter here.

The SPEAKER. Is there objection?

Mr. HILL of Maryland, Mr. BEGG, and Mr. GRAHAM objected.

Mr. RATHBONE. Mr. Speaker, I ask unanimous consent that it may go over without prejudice.

Mr. BEGG. I object to that.

The SPEAKER. Objection is heard, and the bill is stricken from the Calendar.

MUNICIPAL IMPROVEMENTS ON RECLAMATION PROJECTS

Mr. ARENTZ. Mr. Speaker, I ask unanimous consent to return to Calendar No. 669, H. R. 430, a bill to authorize payment for the municipal improvements on reclamation projects, and for other purposes. The gentleman from Idaho [Mr. SMITH] was not present at the time it was up for consideration, and I ask unanimous consent that it be passed over without prejudice and go to the foot of the calendar.

The SPEAKER. The gentleman from Nevada asks unanimous consent to return to Calendar No. 669, House bill 430, reconsider the action taken by the House, and let the bill go over without prejudice. Is there objection?

Mr. BEGG. I object to that. It will come up next time, and it will take three objections.

The SPEAKER. Objection is heard.

LABELING FOREIGN PRODUCTS

The next bill on the Consent Calendar was the bill (H. R. 12315) to amend section 8 of the food and drugs act, approved June 30, 1906, as amended.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. LaGUARDIA. Reserving the right to object, what does this bill propose to do; label all nuts that come into the country? [Laughter.]

Mr. SWING. No; it only provides for labeling the container.

Mr. LaGUARDIA. That would not serve the purpose, because the retailer would not get the notice that the gentleman wants to give.

Mr. SWING. It will reach 75 or 85 per cent of the present deception, which is a deception on the small grocer, the small fruit-stand man, who does not want to deceive the public.

Mr. RANKIN. Reserving the right to object, I ask that the bill be read.

The Clerk read the bill, as follows:

Be it enacted, etc., That effective six months after the date of the enactment of this act, section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended, is amended by adding at the end thereof a new paragraph to read as follows:

"That for the purposes of this act nuts, raw fruits, and raw vegetables, grown outside of the United States and its Territories, shall also be deemed to be misbranded, if there be not plainly and conspicuously stated on the package or label (a) the name of the country where grown in letters at least as large as those in the name of any other place on such package or label, and (b) the common name and the quantity by weight or volume of any such products, if commingled with nuts, raw fruits, or raw vegetables grown in continental United States."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. LAZARO. Mr. Speaker, I desire to offer an amendment to include rice also.

Mr. SWING. Mr. Speaker, I have no objection to that.

The SPEAKER. The gentleman from Louisiana offers an amendment, which the Clerk will report.

Mr. HUDDLESTON. Mr. Speaker, I reserve a point of order upon the amendment. May I call the gentleman's attention to the fact that this is a matter that ought to be considered by a committee, so that we might understand something about the implications and the effect of such an amendment?

Mr. SWING. It was considered in the committee, as I am informed, and rice is grown in Louisiana and somewhat in California. It is in much the same situation as the other things. It would be helpful to the industry, and I think to the consumer, to know whether he is getting domestic rice handled under sanitary conditions or Chinese rice.

Mr. LaGUARDIA. Mr. Chairman, will the gentleman from California yield?

Mr. SWING. Yes.

Mr. LaGUARDIA. Has the gentleman considered the possibility of this reacting in a different way? The gentleman will recall the old English statute passed when they were fearing competition from Germany. The English Parliament passed a law requiring all importations to be marked just as in the gentleman's bill, and "made in Germany" became a slogan, and it simply resulted in the invasion of the English market with "made in Germany" articles. I suppose the gentleman has given consideration to that phase of the matter?

Mr. SWING. Yes; we will take our chances on that.

Mr. HUDDLESTON. Mr. Chairman, I reserve the point of order on the amendment upon the ground that it is not germane.

The SPEAKER. Does the gentleman make the point of order?

Mr. HUDDLESTON. I hesitate to make it for the reason that I do not fully understand the amendment. I am in favor of informative labeling for the benefit of consumers, and if I understood the implications of the amendment more fully perhaps I would not object to it. But the matter of amending a statute by amendment from the floor is a very delicate thing, and I am frank to say that I do not understand the amendment fully.

Mr. LAZARO. My amendment will simply add rice.

Mr. HUDDLESTON. I do not know what its implications are nor what effect it will have. It is a dangerous practice. I do not like to make a point of order, because I want everyone who uses rice to know where the rice comes from, but what the effect of the amendment would be in this connection, I am frank to say, I do not know. I think the committee ought to have some more deliberate opportunity to consider the matter, especially in view of the fact that unanimous consent is given to consider the bill without any idea that an amendment of that nature was to be presented. In other words, an entirely new subject of legislation is introduced, and nobody knows anything about it here on the floor. With all desire to accommodate, I feel that as a matter of practice we ought not to permit such an amendment to be made.

The SPEAKER. The Chair is distinctly of the opinion that the amendment is germane and overrules the point of order.

Mr. HUDDLESTON. That is the only ground on which I can object to it.

Mr. CRAMTON. Mr. Speaker, it does seem to me that members of the committee ought to be protected against surprise when bills are considered in this manner. This bill was discussed and its provisions were outlined. There was no suggestion that the bill was to be broadened by bringing in another commodity that is of a somewhat different character; and no one objects to the consideration of the bill. I am not especially opposed to this item. I do not believe the practice ought to grow here of giving consent to consider a bill and then, after consent is given, having a very important amendment not formerly suggested sprung upon the House.

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, I take it that any Member of the House will not be precluded from offering a germane amendment. Neither do I think it is bad faith.

Mr. CRAMTON. Oh, I would not suggest bad faith, but I do think it is a practice that ought not to be followed.

Mr. BLACK of Texas. It would be going pretty far to do that. Any Member has a right to offer a germane amendment if a bill is up for consideration.

Mr. HUDSON. Mr. Speaker, will the gentleman from Louisiana yield?

Mr. LAZARO. Yes.

Mr. HUDSON. Was this amendment presented before the committee and discussed?

Mr. LAZARO. We discussed it, and my understanding was that it was to be offered on the floor.

Mr. HUDSON. It was not turned down by the committee?

Mr. LAZARO. It was not. Mr. Speaker, I offer to amend in line 11, page 1, by inserting the word "rice" after the words "raw fruits."

The SPEAKER. The gentleman from Louisiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAZARO: Page 1, line 11, after the words "raw fruits," insert the word "rice."

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Louisiana.

Mr. CRAMTON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Michigan makes the point of order that there is no quorum present.

Mr. CRAMTON. In that connection I simply say that I am not going to present the point of order. I did not intend to, but I do want to emphasize to gentlemen here that this sort of a procedure is dangerous. Men who have bills to get through, if they resort to this practice, are apt to lose out. I withdraw the point of order of no quorum.

Mr. HUDDLESTON. Mr. Speaker, I demand a division.

The House again divided; and there were—ayes 35, noes 5.

So the amendment was agreed to.

The bill was ordered to be engrossed and read the third time; was read the third time and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ATHLETIC FIELD AND GYMNASIUM, HOWARD UNIVERSITY

The next business on the Consent Calendar was the bill (H. R. 12802) to amend the act entitled "An act to enable the trustees of Howard University to develop an athletic field and gymnasium project, and for other purposes," approved June 7, 1924.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. RANKIN. Mr. Speaker, reserving the right to object, I want to know what it is first.

Mr. ZIHLMAN. The bill simply changes the act of Congress of 1924 by changing the word "reconvey" to "convey."

Mr. RANKIN. Convey what?

Mr. ZIHLMAN. A small piece of ground owned by the Federal Government at the intersection of Fairmont and the University, northwest Washington.

Mr. RANKIN. I will permit it to pass to the foot of the calendar but I am not willing for the bill to be passed until we know more about it.

Mr. ZIHLMAN. This is simply to carry out what Congress has already done.

Mr. RANKIN. I object.

RELIEVING THE ADJUTANT GENERAL OF OREGON, ETC.

The next business on the Consent Calendar was the bill (H. R. 9912) approving the transaction of adjutant general of the State of Oregon in issuing property to sufferers from a fire in Astoria, Oreg., and relieving the United States property and disbursing officer of the State of Oregon and the State of Oregon from accountability therefor.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SNELL). Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the action of the adjutant general of the State of Oregon in directing the issuance of military property secured from the reserve stores of the Army at Fort Stevens, Oreg., of a value not exceeding \$1,775.80, for the relief of sufferers from a disastrous fire in Astoria, Oreg., December, 1922, is approved and credit for all such supplies so issued shall be allowed by the War Department in the settlement of the accounts; and the adjutant general of the State of Oregon and the State of Oregon relieved of the accountability for the same.

Committee amendment: On page 2, line 2, strike out the word "adjutant general" and insert in lieu thereof "United States property and disbursing officer."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended so as to read: "A bill approving the transaction of the adjutant general of the State of Oregon in issuing property to sufferers from a fire in Astoria, Oreg., and relieving the United States property and disbursing officer of the State of Oregon and the State of Oregon from accountability therefor."

RELIEF OF SOLDIERS BECAUSE OF MISREPRESENTATION OF AGE

The next business on the Consent Calendar was the bill (S. 3615) for the relief of soldiers who were discharged from the Army during the Spanish-American War because of misrepresentation of age.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers of the United States Army, their widows and dependent children, a soldier who was enlisted between April 21, 1898, and August 12, 1898, both dates inclusive, and who was discharged for fraudulent enlistment on account of misrepresentation of his age, shall hereafter be held and considered to have been discharged honorably from the military service on the date of his actual separation therefrom, if his service otherwise was such as would have entitled him to an honorable discharge: *Provided*, That no back pay or allowances shall accrue by reason of the passage of this act: *Provided further*, That in all such cases the War Department shall, upon request, grant to such men or their widows a discharge certificate showing that the soldiers are held and considered to have been honorably discharged under the provisions of this act.

The committee amendment was read, as follows:

Page 1, line 7, strike out the words "August 12, 1898," and insert in lieu thereof "July 1, 1902."

The amendment was agreed to.

The bill as amended was ordered to be read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

INCREASE OF MEMBERSHIP OF NATIONAL COMMITTEE FOR AERONAUTICS

The next business on the Consent Calendar was the bill (H. R. 13115) to increase the membership of the National Advisory Committee for Aeronautics, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object—

Mr. BLANTON. I object; this is too important a bill.

MARKERS FOR THE BATTLE FIELDS OF EASTPORT AND IUKA, MISS.

The next business on the Consent Calendar was the bill (H. R. 9564) providing for markers for the battle fields of Eastport, Miss., and Iuka, Miss.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to obtain and place on the Civil War battle fields of Eastport, Miss., and Iuka, Miss., located in Tishomingo County, of said State, appropriate markers, out of any moneys in the Treasury not otherwise appropriated, for the purpose of properly preserving these historic landmarks.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

INSPECTION OF BATTLE FIELDS, BRICES CROSS ROADS, MISS., AND TUPELO, OR HARRISBURG, MISS.

The next business on the Consent Calendar was the bill (H. R. 12640) to provide for the inspection of the battle field of Brices Cross Roads, Miss., and the battle field of Tupelo, or Harrisburg, Miss.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. BEGG. Reserving the right to object, did we not pass a bill last spring authorizing the establishment of a commission to take up the battle fields? It seems to me we did. If we did, of course I am going to object.

Mr. RANKIN. I will say to the gentleman from Ohio these battle fields are in this condition—

Mr. BEGG. Can the gentleman give any information about the bill passed here, a bill from the Committee on Military Affairs, which is the law now?

Mr. RANKIN. I understand. Under the bill passed last year it would take a good many years to make those inspections. These old men who fought on both sides in those battles are still living, some of them, and we must get our information from them. This bill provides only for inspection, taking men from each army.

Mr. BEGG. I will say to the gentleman that we do not need a separate commission for every little battle that was fought. We tried to avoid bills just of this kind by passing the other bills.

Mr. RANKIN. They will not cover the situation.

Mr. BEGG. I mean every battle. We have been asked to take care of all of them.

Mr. RANKIN. This will cost practically nothing; and the commissions will be composed of men from the two armies that fought in those battles in order that the places may be marked and those marks registered for future reference, so that in the years to come, when the American people wake up to a realization of the importance of maintaining these landmarks, we may have a map designation to go by.

The SPEAKER pro tempore. Is there objection?

Mr. BEGG. I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

INTERNATIONAL TRADE EXHIBITION

The next business on the Consent Calendar was the bill (H. R. 12931) to provide for maintaining, promoting, and advertising the International Trade Exhibition.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BEGG. I reserve the right to object.

Mr. O'CONNOR of Louisiana. Mr. Speaker, in connection with the consideration of this bill I desire to say that the gentleman from Pennsylvania [Mr. WELSH], the chairman of the Committee on Industrial Arts and Expositions, has written a letter to the majority floor leader, the gentleman from Connecticut [Mr. TILSON], asking that the bill go over. Of course, if I could convey the happy tidings to Mr. WELSH that the gentlemen in charge of the Consent Calendar on the Republican side were extremely anxious to promote the general welfare and asked for the passage of the bill at once it would be exceedingly gratifying to him and to me. I would be glad to give him that assurance and I shall be happy to act as envoy to Mr. WELSH's office when he returns and say that the House wished to pass at once such a meritorious measure as that sponsored by me as the author and him as the chairman of the committee that reported it favorably to the House.

Mr. BEGG. When he is through with it, I can take care of it in short order.

Mr. O'CONNOR of Louisiana. Would the gentleman object to the bill if it went to consideration? The gentleman should elucidate, as his attitude is enigmatical. That expression might bid me hope and might mean death to my hopes. But, of course, I know he is opposed to the bill, and in view of that attitude of the gentleman who is the watchdog of the Treasury on that side—and I mean it in a fine sense—I will have to ask that this bill go over without prejudice until January 17, when the chairman of the Committee on Industrial Arts and Expositions [Mr. WELSH] will endeavor to persuade all the Members that this measure is in promotion of the country's commercial interests and general welfare, and I hope it will then receive favorable consideration.

Mr. BEGG. I object. The next time it will take three objectors.

Mr. O'CONNOR of Louisiana. Will not the gentleman reserve that objection for a minute?

Mr. BEGG. Yes.

Mr. O'CONNOR of Louisiana. Mr. Speaker and gentlemen of the House, in my judgment this is one of the best bills that has ever come before the House on the Consent Calendar. I am confident that it will promote the general welfare of this country more efficiently and to larger advantage even than any work that the Department of Commerce can do in the future. The International Trade Exhibition is for the purpose of promoting trade relations with the countries south of us particularly and the world at large generally. The location is ideal, in the city of New Orleans, with its Latin-American environment. Men come up from South and Central America to New Orleans, and there they are put in a position where they can arrange for trade relations on a larger scale and to better advantage as a result of intimate personal contact than through our Consular Service and through the Department of Commerce.

Mr. LAGUARDIA. I believe there is in the House a great deal of sympathy for the gentleman's bill, but the gentleman will realize that this country is still smarting after having been stung for \$2,000,000 by the Sesquicentennial Exposition. Could not the gentleman educate the people to differentiate between his proposition and the Sesquicentennial?

Mr. O'CONNOR of Louisiana. There is a marked distinction between ordinary expositions and the one I am inviting your consideration to. Those others are largely millinery establishments for the purpose of entertaining the public with tinsel and finery, papier mâché, and midways embellished with

attractive gardens, walks, fountains, sculpture, and a temporary art gallery. This one is really for the purpose of promoting trade relations. It is an enormous sample room, with competent gentlemen on hand speaking several languages to serve and bring together buyers and sellers. They had with them a Mr. McLeod, who for years was connected with the Department of Commerce. This great institution is similar to the permanent exposition at Leipsic. It is for the purpose of aiding and assisting men who are really expanding the commerce of America. There is no midway there; there is no millinery exhibition, no art gallery, no gardens and walks with appealing sculpture. It is a place where wares are on exhibition and where men—

Mr. BEGG. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of Louisiana. Yes.

Mr. BEGG. Can the gentleman give us some argument why this exhibition should be held in New Orleans and not in Baltimore, New York, Philadelphia, Chicago, St. Louis, Kansas City, or San Francisco?

Mr. O'CONNOR of Louisiana. Yes. Of course I can. It is because the city of New Orleans is located more favorably for the purpose of accomplishing the result intended than any of the cities the gentleman has mentioned. I would say, however, that I would favor an institution of that sort in any city in the United States if I believed about it in the same way as I believed about this exposition in New Orleans, and that is that it will maintain and promote trade relations. That is the position of the Department of Commerce. It holds that it will broaden and expand our commerce. The bill will promote that object more efficiently and more economically than any other thing you can find. The report which accompanies the bill prepared by Dan Reed, of New York, is one of the most comprehensive documents and replete with valuable information. I commend it to the attention of the Members of the House.

The SPEAKER pro tempore. Is there objection?

Mr. BEGG. I object.

The SPEAKER pro tempore. Objection is made. The Clerk will report the next bill.

GRADUATED SPECIAL-HANDLING POSTAGE CHARGES

The next business on the Consent Calendar was the bill (H. R. 13445) to provide for graduated special-handling postage charges, according to the weights of the parcels, and to extend special-delivery service to such parcels of fourth class.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I want to ask a question. By placing a 25-cent stamp now on a parcel-post package you get special handling. If you pass this bill you can take a large parcel that weighs up to the maximum limit, and if it does not have special delivery on it you can pay 25 cents and get the same handling on that big, heavy package that you get on a first-class letter.

Mr. LAGUARDIA. Except as to the time.

Mr. BLANTON. You get the same handling.

Mr. LAGUARDIA. But not as to time. It does not go as quickly.

Mr. BLANTON. According to this bill it would. This bill provides that you get the same handling as on a first-class letter.

Mr. KELLY. There will be no change in that particular from the law at the present time. At the present time you can put a 25-cent special-handling stamp on a 70-pound parcel in the first and second zones and have it go with the same expedition as first-class mail.

Mr. BLANTON. It is given special handling, but it is not given the same class of handling that a letter is given.

Mr. KELLY. The gentleman is mistaken entirely. The purpose of the provision in the act of February 28, 1925, was to give fourth-class mail the same handling as first-class mail in return for a 25-cent fee.

Mr. BLANTON. Has the gentleman figured out what this will cost the Treasury?

Mr. KELLY. It will not cost the Treasury anything.

Mr. BLANTON. Will it pay for itself?

Mr. KELLY. It will pay for itself and show a gain for postal revenues as well.

Mr. BEGG. If the gentleman will permit an interruption, the report shows it will return several million dollars into the post-office receipts the first year.

Mr. BLANTON. I have not had time to read the report, but if that is the case I will withdraw my objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That so much of section 207 of Title II of the act of February 28, 1925, Public, No. 506, Sixty-eighth Congress, as refers to special handling is amended to read as follows:

"Whenever, in addition to the postage as otherwise provided, there shall be affixed to any parcel or mail matter of the fourth class the words 'Special handling,' written or printed upon the wrapper, and postage of the values hereinafter stated, such parcel shall receive the same expeditious handling, transportation, and delivery accorded to mail matter of the first class, and in addition shall be specially delivered, namely, for not over 2 pounds, 15 cents; for more than 2 pounds but not more than 10 pounds, 25 cents; for more than 10 pounds, 35 cents: *Provided*, That when the mailer does not desire special delivery the rate for more than 10 pounds shall be 25 cents."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

PRIVATE MAILING OR POST CARDS

The next business on the Consent Calendar was the bill (H. R. 13446) to restore the rate of postage of 1 cent each to private mailing or post cards.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 201, Title II, of the act of February 28, 1925, is amended to read as follows:

"SEC. 201. The rate of postage on private mailing cards described in the act entitled 'An act to amend the postal laws regulating the use of postal cards,' approved May 19, 1898, shall be 1 cent each."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

ADDITIONAL CHARGE ON FIRST-CLASS MATTER

The next business on the Consent Calendar was the bill (H. R. 13447) to provide for an additional charge on first-class matter mailed short paid more than one rate.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, may I inquire of the author of the bill whether or not the Post Office Department has given a favorable report on this bill?

Mr. KELLY. The Post Office Department has strongly recommended this bill, and so has the special joint subcommittee.

Mr. BLACK of Texas. Mr. Speaker, I withdraw the reservation.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc.,—

SECTION 1. That all mail matter of the first class upon which one full rate of postage has been prepaid shall be forwarded to its destination, charged with the unpaid rate, to be collected on delivery. If the postage is short paid one rate, the additional charge shall be 2 cents, or the deficient postage. If it is short more than one rate, the deficient postage and an additional charge of 1 cent for each ounce or fraction thereof shall be collected.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

TRANSMISSION OF BUSINESS REPLY CARDS

The next business on the Consent Calendar was the bill (H. R. 13448) authorizing the transmission of business reply cards in the mails and prescribing the rate of postage thereon.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LaGUARDIA. Mr. Speaker, reserving the right to object, is the bill sufficiently broad to permit the postmaster to have some supervision over the applications of firms availing themselves of this authority, so that an irresponsible firm can not send out a lot of reply post cards?

Mr. KELLY. It is entirely under the direction of the Post Office Department.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That under such regulations as the Postmaster General may prescribe it shall be lawful to accept for transmission in the mails business reply cards, when presented in the quantity and under the conditions he may establish, postage thereon at the regular rate, together with an additional postage charge of not more than 2 cents on each card, to be collected on delivery: *Provided*, That for the purpose of fixing the compensation and allowances at first, second, and third class offices credit shall be allowed only for the postage collected in addition to the regular rate on business cards delivered at such offices: *Provided further*, That postmasters at offices of the fourth class shall be entitled to include in the amounts upon which their commissions on cancellations are based the amount of postage chargeable at the regular rate on business reply cards mailed at their offices.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

TRANSIENT SECOND-CLASS MAIL MATTER

The next business on the Consent Calendar was the bill (H. R. 13449), to amend section 203 of Title II of the act of February 28, 1925, by prescribing a more equitable rate for transient second-class mail matter.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LaGUARDIA. Mr. Speaker, reserving the right to object, does this increase or decrease the present rate on this class of mail?

Mr. KELLY. This cuts the present rate exactly in two.

Mr. HUDDLESTON. Mr. Speaker, reserving the right to object, I should like to have the bill reported.

The Clerk read the bill as follows:

Be it enacted, etc., That section 203 of Title II of the act of February 28, 1925 (Public, No. 506, 68th Cong.), is amended to read as follows:—

"SEC. 203. The rate of postage on publications entered as second-class matter, when sent by others than the publisher or news agent, shall be 1 cent for each 2 ounces or fraction thereof."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HUDDLESTON. Mr. Speaker, reserving the right to object, I wish the gentleman from Pennsylvania would explain the bill so we will understand what its effect is.

Mr. KELLY. Mr. Speaker, this is a change in the provision carried in the act of February 28, 1925, dealing with transient second-class mail matter. Transient second-class mail matter consists of publications, newspapers, and magazines sent through the mails by others than publishers or news agents. In other words, an individual who desires to send his own copy of a periodical through the mail pays the transient second-class rate. The old rate, before the act of 1925, was 1 cent for each 4 ounces or fraction thereof. That rate was too low. It was a ridiculous rate in view of the publishers' second-class rate for the same service. The committee and Congress, in the act of 1925, made the rate 2 cents for each 2 ounces or fraction thereof up to 8 ounces, and above 8 ounces we fixed the parcel-post rates. The result of that was a tremendous decrease in the mailing of these periodicals, so much so that the estimated increased revenue was found to be entirely erroneous and a loss of revenues ensued. It was believed there would be a gain of about a million dollars from these increased rates, but instead of that there has been a loss of a great many thousands of dollars.

It has been shown that the transient second-class mail has decreased to the extent of 63 per cent of the amount carried before 1925. The rate was made higher than the traffic would bear. It becomes necessary, therefore, for us to formulate a rate which will be attractive to the users of this class, and we have done so in this bill.

We have fixed a rate of 1 cent for 2 ounces or fraction thereof. We have made it a flat rate which applies from Washington to San Francisco just the same as from Washington to Baltimore, and it is felt it will bring back into the mails this volume of mail matter which has been lost, and will probably mean some five or six hundred thousand dollars additional revenue.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. KELLY. I yield.

Mr. HUDDLESTON. In view of the fact that you have abolished the zone system, will this not permit the remailing

of a periodical for a smaller price than the publisher could mail it for?

Mr. KELLY. No.

Mr. HUDDLESTON. In short, to send a magazine from Washington to San Francisco under this provision will cost 1 cent for each 2 ounces; now, what will it cost if the publisher of that magazine undertakes to send it from Washington to San Francisco?

Mr. KELLY. If the gentleman from Alabama desires to send a magazine weighing 1 pound from Washington to San Francisco, under this provision, it will cost him 8 cents. If the publisher in Washington desires to send that magazine to San Francisco under the present rates, 50 per cent advertising and 50 per cent reading matter, it would cost him 5.75; in other words 5 3/4 cents a pound, by the publisher, while the individual other than a publisher would pay 8 cents.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. KELLY. I yield to the gentleman from New York.

Mr. LaGUARDIA. Will the gentleman make it clear that this class of postage can not be used by dealers. It is for used magazines and is used mostly by organizations that furnish hospitals and similar institutions with reading matter.

Mr. KELLY. This rate has absolutely nothing to do with publishers, second class. It deals only with newspapers, magazines, and other periodicals sent by others than publishers and news agents.

Mr. HUDDLESTON. I would like to ask the gentleman, is the rate remunerative?

Mr. KELLY. The rate will be remunerative to an increased extent of some five or six hundred thousand dollars, according to the estimates of the Post Office Department.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

EMPLOYEES' COMPENSATION ACT

The next business on the Consent Calendar was the bill (H. R. 11325) to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, and acts in amendment thereof.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BEGG. Mr. Speaker, I reserve the right to object. I think the chairman, who introduced the bill, ought himself to ask to have it passed over. There is not any information in the report showing whether the rates of compensation in the District of Columbia are higher or lower than the average paid by other States just as progressive, and I certainly would not want to agree to increase the rates in the District of Columbia 25 or 27 per cent unless I knew they were lower than the average paid. So I will leave it to the chairman as to whether he wants it passed over; otherwise, I shall object. I will do whichever he prefers.

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

CLAIMS OF CERTAIN INDIAN TRIBES IN THE STATE OF WASHINGTON

The next business on the Consent Calendar was the bill (H. R. 13492) authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington, to present their claims to the Court of Claims.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. I object, Mr. Speaker.

DETAILING EMPLOYEES OF THE INDIAN FIELD SERVICE TO THE WASHINGTON OFFICE

The next business on the Consent Calendar was the bill (H. R. 13494) to permit detailing of employees of the Indian field service to the Washington office.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LaGUARDIA. Reserving the right to object, I would like to ask what the purpose is. I thought you were reducing the employees in the District of Columbia.

Mr. HUDSON. I do not see the chairman of the committee on the floor, but let me say that this does not change the status nor does it add any employees; it simply authorizes what they are now doing.

Mr. BEGG. It does change the status.

Mr. BLANTON. I object.

REIMPOSITION AND EXTENSION OF TRUST PERIOD

The next business on the Consent Calendar was the bill (H. R. 14250) to authorize reimposition and extension of the trust period on lands for the use and benefit of the Capitan Grande Band of Indians in California.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the period of trust on lands patented to the Capitan Grande Band of Mission Indians in California under authority of the act of January 12, 1891 (26 Stat. L. p. 712), which trust expired March 9, 1924, is hereby reimposed from said date and extended for a period of 10 years: *Provided*, That further extensions may be made in the discretion of the President as provided by the act of March 2, 1917 (39 Stat. L. p. 976).

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

ADDITIONAL DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA

The next business on the Consent Calendar was the bill (S. 1642) to provide for the appointment of an additional district judge for the eastern district of Pennsylvania.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. I object.

Mr. GRAHAM. Let me say that we have tacitly agreed that I should ask unanimous consent to let the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

FEES TO BE CHARGED BY CLERKS OF THE DISTRICT COURTS

The next business on the Consent Calendar was the bill (S. 3444) to amend the act of February 11, 1925, entitled "An act to provide fees to be charged by clerks of the district courts of the United States."

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BEGG. Reserving the right to object, and I am not sure whether I will object, I would like to ask the distinguished chairman of the committee how did he find the amount of \$5 to assess a man when he is charged with crime? Where does the money go?

Mr. GRAHAM. The money goes into the Treasury in pursuance of law.

Mr. BEGG. It does not go to the clerk?

Mr. GRAHAM. No. This is at the request of the Department of Justice to correct a situation that exists now that is objectionable. The fee is required to be paid and it ought not to be paid.

Mr. BEGG. I know nothing about law, but is the gentleman sure that the statement he makes does not apply to another bill?

Mr. GRAHAM. I am.

Mr. BEGG. Why should a man be charged \$5. A man is accused of crime and when he enters a plea of not guilty he is assessed a fee of \$5, not to be collected unless the court assesses the costs against him. It is a little difficult for me to discuss the case, not being a practical lawyer, but I have known of cases where a man was acquitted but compelled to pay the costs.

Mr. GRAHAM. I think I will lift the cloud from the gentleman's mind. It is a very simple matter. The only part of the bill that is changed is this. I read the old law:

That in any criminal case upon the entering of a plea of not guilty by any defendant there shall be charged and taxed in the costs of said case a fee of \$5 for each defendant entering such plea, but the clerk shall not be required to account for any such fee not collected by him.

The only change made by this bill is that it shall not be demanded of the man unless and until by order or judgment or decree of the court the costs in the case are taxed and assessed against him.

Mr. BEGG. That is what the bill says. Let me read the provisions of the Revised Statutes:

And provided further, That in any criminal case upon the entering of a plea of not guilty by any defendant there shall be charged and taxed in the costs of said case a fee of \$5 for each defendant entering such plea, but the clerk shall not be required to account for any such fee not collected by him.

I think some of the lawyers in the House ought to take this up. It strikes me as outlandish.

Mr. LA GUARDIA. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM. Yes.

Mr. LA GUARDIA. As a matter of fact, costs are seldom assessed in the Federal courts in criminal actions. Is not that so?

Mr. GRAHAM. Yes.

Mr. BEGG. Then what do they want this in at all for?

Mr. TILSON. As a matter of fact, the provisions respecting the assessment of \$5 are already in the law.

Mr. GRAHAM. Yes.

Mr. TILSON. That is the law now.

Mr. BEGG. Oh, no; it is not.

Mr. TILSON. Let me read what the law is. The law provides that in criminal cases—

upon the entering of a plea of not guilty by any defense there shall be charged and taxed in the costs of such case a fee of \$5 for each defendant entering such plea, but the clerk shall not be required to account for any such fee not collected by him.

That is the law as it stands to-day.

Mr. GRAHAM. The gentleman is quite right.

Mr. COOPER of Wisconsin. The gentleman just read a statement from the law that the clerk shall not be required to account for any fee not paid to him.

Mr. TILSON. That does not add much, in my opinion, to the statute.

Mr. COOPER of Wisconsin. No; but he ought not to have authority to attempt to collect nor to charge in advance against a man who presumptively is innocent and is not convicted.

Mr. TILSON. No.

Mr. COOPER of Wisconsin. Or to have the right to compel payment of costs except where there is a plea of guilty or a conviction. Of course, costs go with the conviction.

Mr. GRAHAM. That is exactly what this act does. It puts it up to the judge, and the clerk can not assess the charge until the judge approves it.

Mr. TILSON. It seems to me that the amendment proposed by the Committee on the Judiciary certainly clarifies it and makes it much better, in my judgment, than it is now.

Mr. BEGG. I do not know about that.

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired. Is there objection?

Mr. VINCENT of Michigan. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Michigan objects, and the Clerk will report the next bill.

FEES FOR CERTIFYING TRANSCRIPTS, COURT OF CLAIMS

The next business on the Consent Calendar was the bill (H. R. 13500) to amend section 176 of the Judicial Code.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 176 of the Judicial Code be, and it hereby is, amended to read as follows:

"Sec. 176. There shall be taxed against the losing party in each and every cause pending in the Court of Claims the cost of printing the record in such case, which shall be collected, except when the judgment is against the United States, by the clerk of said court and paid into the Treasury of the United States. For making and certifying a transcript of record requested by a claimant for the purpose of applying to the Supreme Court for a writ of certiorari or other purposes there shall be collected by the clerk of the Court of Claims and paid into the Treasury of the United States the sum of 5 cents per folio of 100 words; but in no case shall the amount so collected be less than \$5."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

POST-OFFICE SITE AT OLYPHANT, PA.

The next business on the Consent Calendar was the bill (H. R. 13481) to authorize the Secretary of the Treasury to accept

title for post-office site at Olyphant, Pa., with mineral reservations.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I reserve the right to object. That is establishing a bad precedent.

Mr. BEGG. We passed the same kind of a bill exactly for a little city in the district of the gentleman from Pennsylvania [Mr. TEMPLE] at the last session of Congress. This can not be done otherwise.

Mr. BLANTON. That action must not stand as a precedent, for it would be a bad one. I call the gentleman's attention to the fact that if he will go to the city of Breckenridge, in my district, he will see oil derricks all over the city, in the back yards of people, and everywhere. You are buying property for the Government, with individuals reserving the mineral rights, which embrace oil. Suppose they find an oil field in this section. Here are mineral rights preserved to individuals, and they can go in hereafter and sink an oil well on Government property where we will have a Federal building constructed at great expense.

Mr. BEGG. Oh, no.

Mr. LA GUARDIA. The gentleman must not lose sight of the fact that these reservations run with the land, and the only reason legislation is necessary is to permit the Secretary of the Treasury to take title with these reservations. He can not obtain the land otherwise.

Mr. BLANTON. Somebody has reserved the mineral rights in the land? Somebody owns same now.

Mr. LA GUARDIA. Yes. You can not get sites in these coal lands in any other way. The reservation is not merely vested in the present holder of the title, but it runs away back.

Mr. BLANTON. Somebody existing now owns that oil and mineral right?

Mr. LA GUARDIA. Exactly, but not necessarily the present owner.

Mr. BLANTON. You can get a deed from them just the same as from the present owner?

Mr. LA GUARDIA. They will not relinquish their rights.

Mr. BLANTON. They will not unless you pay for it, or persuade them to relinquish.

Mr. LA GUARDIA. The present owner can convey only what he owns, and all he owns is the surface right, the land.

Mr. BLANTON. But the present owner, and the owner of the mineral rights, can convey the land absolutely. Whenever this Government buys a piece of land it ought to own it. There ought not to be any reservations in the deed.

Mr. LA GUARDIA. They can not get any land in any other way.

Mr. BLANTON. They can if they go about it in the right way.

Mr. LA GUARDIA. If you want to pay an exorbitant price for rights the Government never would exercise.

Mr. BLANTON. It is as easy to buy those mineral rights as it is to buy the fee. If the owner of such mineral rights does not expect to exercise same in the future he ought to be willing to release same.

Mr. LA GUARDIA. For an exorbitant price.

Mr. BLANTON. No; but in consideration of getting a Federal building. We do not want to buy a lot and put a post office upon it and then have somebody come in and sink an oil well in the back yard of the post office on Government land.

Mr. LA GUARDIA. They can not do that.

Mr. BLANTON. I know what they can do. I have seen them doing it. They have drilled oil wells in back yards in the city of Breckenridge, and other cities that I know of, where they have derricks all over the city, and within two blocks of the city center. It is being done all of the time. This bill proposes a bad precedent.

Mr. WATRES. I am sure if the gentleman from Texas understood the situation he would not object. In the first place, it is not establishing a precedent. In the coal fields this has been done repeatedly. So far as any oil field being discovered is concerned, it is out of the question.

Mr. BLANTON. Whenever you find coal you have a prospect of finding oil somewhere in that vicinity.

Mr. WATRES. It may be in a bituminous field but not in an anthracite. This is a town of 10,000 people in the anthracite field. The owner of the surface does not have a mineral right.

Mr. BLANTON. Somebody else has it and he ought to release it if he wants the Government to buy and build on the land.

Mr. WATRES. The serious objection prevails that it would mean the town of Olyphant would not be able to have a post-office building.

Mr. BLANTON. You can buy or otherwise secure the mineral right. There ought to be public spirit enough in that town that would cause its officials to go to the owner of the mineral right and buy it or have him release same. That is what the people in any city in my State would do; they will buy a lot absolutely free from mineral rights and everything else and give it to the Government if it will grant them a post-office building.

Mr. WATRES. The Treasury Department has carefully considered the matter. It is the subject of a special letter from the Secretary of the Treasury to the Speaker of the House requesting that the bill be put upon the Consent Calendar. It has also been considered carefully by the Committee on Public Buildings and Grounds.

Mr. BLANTON. I think the Government ought to have an absolute title, and that it should not buy and build upon property with all sorts of strings tied to it.

Mr. WATRES. It would be desirable, I agree, but the gentleman should understand as a practical matter it makes the post-office building impossible there.

Mr. BLANTON. Let me submit this to my friend: If the owner of the mineral right never intends to put a mine there under his reservation and nobody intends to sink an oil well he should be willing to release his mineral rights to the Government.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BLANTON. I object. This is a bad bill and should not pass.

PAY CLAIMS OF ARMY OFFICERS

The next business in order on the Consent Calendar was the bill (S. 1857) to confer jurisdiction on the Court of Claims to certify certain findings of fact and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BEGG. Mr. Speaker, I object.

LOAN OF COTS

The next business in order on the Consent Calendar was the joint resolution (H. J. Res. 298) authorizing the Secretary of War to lend 700 cots and 700 blankets for the use of the North Carolina Department of the American Legion at its annual convention at Washington, N. C., in August, 1927.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection of the present consideration of this joint resolution? [After a pause.] The Chair hears none.

The Clerk read as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to lend, at its discretion, to the Beaufort County Post of the American Legion, of Washington, N. C., for use in connection with the annual convention of the North Carolina Department of the American Legion to be held at Washington, N. C., in August, 1927, 700 cots and 700 blankets: *Provided*, That no expense shall be caused the United States by the delivery and return of said property, the same to be delivered at such time prior to the holding of said convention as may be agreed upon by the Secretary of War and W. F. Giles, post commander: *Provided further*, That the Secretary of War, before delivering said property, shall take from said W. F. Giles a good and sufficient bond for the safe return of said property in good order and condition, and the whole without expense to the United States.

The joint resolution was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the joint resolution was passed was laid on the table.

The SPEAKER pro tempore. That concludes the Consent Calendar.

TO ENLARGE AND RELOCATE THE UNITED STATES BOTANIC GARDEN

Mr. LUCE. Mr. Speaker, I move to suspend the rules and pass the bill (S. 4153).

The SPEAKER pro tempore. The present occupant of the chair understands that Speaker LONGWORTH had agreed to recognize the gentleman. Is a second demanded?

Mr. BLACK of Texas. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. It is evident there is no quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 4]

Anthony	Fish	Little	Spearing
Arentz	Fisher	McLaughlin, Mich.	Sproul, Kans.
Bailey	Fitzgerald, Roy G.	McLaughlin, Nebr.	Stalker
Barkley	Fort	McLeod	Stegall
Beck	Frear	McSwain	Stedman
Beedy	Fredericks	Madden	Stephens
Bell	Furlow	Martin, Mass.	Stevenson
Berger	Gallivan	Mead	Stobbs
Bixler	Gambrill	Mills	Strong, Kans.
Bloom	Garber	Montague	Sullivan
Bowling	Garner, Tex.	Montgomery	Swartz
Boylan	Garrett, Tex.	Mooney	Sweet
Brand, Ohio	Glynn	Moore, Va.	Swoope
Brumm	Golder	Morin	Taylor, Colo.
Cannon	Goldsborough	Nelson, Wis.	Taylor, N. J.
Carter, Calif.	Gorman	Newton, Minn.	Taylor, W. Va.
Carter, Okla.	Griffin	Newton, Mo.	Temple
Celler	Hadley	O'Connell, R. I.	Thompson
Chapman	Hale	O'Connor, La.	Tillman
Christopherson	Hall, Ind.	O'Connor, N. Y.	Tincher
Clague	Hardy	Oliver, N. Y.	Tinkham
Clary	Harrison	Patterson	Tolley
Colton	Holaday	Peavey	Tydings
Connerly	Hudspeth	Perlman	Upshaw
Connolly, Pa.	Hull, William E.	Pou	Valle
Cooper, Ohio	Jacobstein	Pratt	Vinson, Ky.
Corning	Jeffers	Purnell	Voigt
Crisp	Johnson, Ky.	Quayle	Warren
Crosser	Keller	Ransley	Weaver
Cullen	Kerr	Reed, Ark.	Weller
Curry	Kiefner	Reid, Ill.	Welch, Calif.
Darrow	Kindred	Robinson, Iowa	Welsh, Pa.
Dempsey	Kirk	Robison, Ky.	White, Me.
Doyle	Kvale	Rouse	Williams, Ill.
Drane	Lampert	Sears, Fla.	Wilson, Miss.
Eaton	Lee, Ga.	Shallenberger	Wolverton
Edwards	Lehbach	Shreve	Woodward
Elliott	Lindsay	Sinnot	Wright
Fairchild	Linthicum	Somers, N. Y.	Yates

The SPEAKER. Two hundred and seventy-six Members have answered to their names—a quorum. Without objection, further proceedings under the call will be dispensed with.

There was no objection.

The SPEAKER. Is a second demanded?

Mr. GILBERT. I demand a second.

Mr. LUCE. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 4153) to provide for enlarging and relocating the United States Botanic Garden, and for other purposes

Be it enacted, etc., That for the purpose of enlarging and relocating the United States Botanic Garden, the Joint Committee on the Library is authorized and directed—

(1) To acquire on behalf of the United States, by purchase, condemnation, or otherwise, in accordance with the provisions of section 3 of the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes," approved August 30, 1890, as amended, all of the privately owned land, buildings, and other structures, in square No. 576 and square No. 578, in the District of Columbia, as such squares appear on the records in the office of the surveyor of the District of Columbia as of the date of the passage of this act. Upon the acquisition of such land, buildings, and structures, all of the land contained in square No. 576 and square No. 578 shall become a part of the United States Botanic Garden and shall be under the jurisdiction and control of the Joint Committee on the Library.

(2) To provide for the removal of such buildings and other structures now located upon the squares specified in paragraph (1) as it deems necessary.

(3) To provide for the removal of the Bartholdi Fountain and its basin and equipment from its present site and the reerection of the same upon a suitable location upon one of the squares specified in paragraph (1).

(4) To investigate the cost of the construction of new conservatories and other necessary buildings for the United States Botanic Garden, to procure preliminary plans and estimates by contract or otherwise for such conservatories and buildings, and to report thereon to Congress before the end of the second regular session of the Sixty-ninth Congress. In making such investigation and report the Joint Committee on the Library is hereby authorized to procure advice and assistance from any existing governmental agency, including the services of engineers, surveyors, draftsmen, architects, and other technical personnel in the executive departments and independent establishments of the Government. For the purpose of this paragraph the unexpended balance of the appropriations made pursuant to the authority contained in Public Resolution No. 42, approved January 7, 1925, is hereby made available.

Sec. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$820,000, or so much thereof as may be necessary, to enable the Joint Committee on the Library to carry out the provisions of paragraphs (1), (2), and (3) of section 1 of this act.

The SPEAKER. The Chair would inquire if the gentleman from Kentucky is in favor of the bill?

Mr. GILBERT. I am in favor of the bill.

The SPEAKER. The gentleman from Massachusetts is entitled to 20 minutes, and the gentleman from Kentucky to 20 minutes.

Mr. LUCE. Mr. Speaker, this bill contemplates the purchase of two squares immediately west and southwest of the Capitol grounds and across the street from the present location of the conservatories of the Botanic Garden.

To identify these squares in your minds I will say that one of them is the square that contains the church, the bakery, and the filling station. The other one is the square immediately at the south, across B Street, which you will remember has in it a schoolhouse and a monumental works. The purpose of this purchase is to transfer to these squares the Botanic Garden, so called, as far as that name describes the structures of the garden.

Let me repeat: The two squares in contemplation of purchase here are those immediately west and southwest of the southwest corner of the Capitol grounds, one containing the bakery, filling station, and church, and the other a schoolhouse, monumental works, and some private dwellings. The purchase of the first named of these squares, that containing the church, filling station, and bakery, is already in the contemplation of those who are framing the public buildings bill. It being understood that there is a general agreement that the triangle on either side of the Botanic Garden ought to be taken in with the purchase of the big triangle, it had been thought at first that there would be no occasion to press the bill that I am presenting to you, but when we noticed that the public buildings program would not provide for the purchase of the second square, it seemed advisable to ask the House to pass judgment upon the bill that has passed the Senate and been reported to you favorably by the Committee on the Library.

The amount contemplated for the purchase is \$800,000 or thereabouts. But in order that this may not prejudice the case by its mere amount I would call your attention to the fact that the square and buildings which in all probability will be bought anyhow will take perhaps \$630,000; so that the real issue to-day in the matter of money is whether there shall also be expended \$170,000 or so for the purchase of the other square.

The reasons for recommending this purchase are that there is a practically unanimous agreement now, although a few years ago there was a division of opinion; but to-day there is practically a unanimous agreement that the buildings of the Botanic Garden ought to be removed from their present location and that the general plan of the garden ought to be speedily changed to make it possible to complete the Meade Memorial and the landscape engineering connected therewith.

Also I fancy that every Member of the House has shared my own regret that now for so many years the Grant Memorial has been shabbily treated. Its surroundings are undignified and altogether unworthy the object of the memorial and the dignity of the Nation itself. For these two reasons, if for no others, the conservatories ought to be removed.

Mr. LANHAM. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Certainly.

Mr. LANHAM. Is it not a fact also that the principal building down there, constructed, as I recall, in 1860, is unsafe, and that people are not admitted to it except at their own risk to view the collections there, and is it not a further fact that for the purpose of repairing it Congress heretofore made provision, and the workmen reported that the building was in such a condition that it could not be rebuilt?

Mr. LUCE. The gentleman has anticipated my next sentence, but I thank him for helping me to emphasize the situation. The fact that the main building is likely to fall down at any moment and cause injury, if not death, to anybody that might be under the glass shows that the building must be replaced. It is no longer safe for it to stand.

Now put a peg right in there, and remember that we are all practically agreed that the structures of the garden ought to be removed. A difference of opinion may arise as to where they ought to be taken. That point has been in issue for many, many years. Again and again the House has discussed the question as to where the Botanic Garden ought to be put.

In the judgment of your committee the House has shown itself desirous of keeping the conservatories close to the Capitol, not only for the pleasure of its own Members but also for the delectation of visitors and in order that the garden may add to the beauty of Capitol Square and its surroundings. Starting from that assumption—and I want it made very clear that it was an assumption—starting therefrom, your committee proceeded in an orderly fashion to get expert advice; and two years ago Congress authorized the expenditure of \$5,000 to employ the best man in the country whom we could find to advise us where to put the Botanic Garden. Our adviser was Mr. William E. Parsons, of Chicago, who has obtained eminence in his profession and who was recommended to us by gentlemen who knew those from whom we could choose.

Mr. Parsons came here, started with the assumption that the House desires the Garden to be close to the Capitol, made a thorough study of the situation, and recommended the purchase of these two squares. One of them is close to and across a narrow and short street from the present greenhouses of the garden. The third of the three that will hereafter comprise the garden, if this project goes through, will complete the triangle made by Maryland Avenue, by First Street, and by Canal Street. The idea is to erect the conservatories approximately where the filling station is now located, and to use the lot across the street for a fountain, for shrubbery, and for ornamental horticulture of every variety.

While it is true that this area will not furnish sufficient ground for a genuine botanic garden, it will suffice for the purposes that the present Botanic Garden meets. It is vain to argue that this garden accomplishes any scientific purpose whatever. It is simply the conservatory of Congress, maintained for the purpose of adding not alone to the pleasure of Members of the House and Senate but also to that of visitors to the Capitol. Elegant conservatories are supposed to be the proper adjunct of any estate of consequence. As to the furnishing of flowers, it may be pointed out as popularly understood that the President and the White House—which nobody will begrudge—are supplied from what are frequently called the President's conservatories, on the other side of the Bureau of Engraving and Printing. The report is that members of the Cabinet are likewise served from the conservatories of the Agricultural Department on the north side of The Mall. If the practice of many years may be taken as justifying a procedure of this sort Congress is entitled to the same additions to the pleasures of life.

Although, then, we may be justified in maintaining our own conservatories for such purposes, we may dismiss from our minds the possibility of the scientific utilization thereof, because if that were to be achieved these conservatories ought to be put under the Department of Agriculture and ought to be placed in surroundings where a large area will be available.

In Rio de Janeiro the botanic garden has 2,000 acres at command; that in New York has 400 acres at command; that at St. Louis has 125 acres. Averaging the acreage of 27 of the great botanic gardens of the world—but omitting therefrom Rio de Janeiro as confusing—I find they have an average acreage of 125 acres. It would be idle, I think, for us to conceive of a botanic garden for scientific purposes without the provision of well over 100 acres. That, of course, is out of the question under the conditions in the heart of a great city. It is possible, however, that this garden may be extended to the south until it reaches the river. Four years ago we put at the command of the Botanic Garden several blocks along the old canal, on either side of its bed, and in time that whole stretch from Canal Street to the river ought to be made into a second Mall, a parkway, a garden, or whatever you please to call it. Now it is a desert, dreary, uninviting, and in altogether disreputable condition. It ought not long to be permitted to grieve the man who ventures on a somewhat uncertain pilgrimage from here to the edge of the water. This all can be developed into a beautiful park, of which the two squares we now contemplate buying would be an approach. What will be a parkway in the center of Canal Street is already under Government control. The old stables there ought speedily to be removed. In this way we shall presently have a beautiful stretch of, I should say, half or three-quarters of a mile long extending from the Capitol Grounds to the War College. Therefore if you authorize this appropriation, you will look upon it as a start in adding to the beauties of Washington as well as an increase in the opportunity to perform the present functions of the Botanic Garden.

I should regret very much if at any time in the future I could be said to have urged this upon the House without a clear and frank statement of the situation. I desire that you

shall act with your eyes open, and therefore I would tell you that 20 years ago—to be exact, in 1908—the Committee on Agriculture investigated this situation and advised that the Botanic Garden be turned over to the Department of Agriculture. In its report it said this—

The annual cost of this institution has reached the respectable sum of about \$15,000 and seems altogether out of proportion, in the opinion of your committee, to the benefits derived.

Twenty years ago \$15,000, a respectable sum, was thought by a committee of the House to be altogether out of proportion to the benefits derived. Last year the appropriation for the Botanic Garden was \$124,844 and this year the estimates of the Budget are \$144,307, almost ten times the "respectable sum" that 20 years ago was thought out of proportion to the benefits derived.

I do not conceive it to be my duty to go further now than to lay those figures before you.

The Committee on the Library is not so solicitous as to what you shall decide as it is that you shall decide something. If I may revert to the vernacular, we think it is time either to fish or cut bait. We think it is time either to complete the beautiful square in front of the Capitol by permitting the finishing of the Meade Memorial and a suitable layout around the Grant Memorial or else to know definitely that the House does not desire action to be taken in the premises.

Let me summarize. Believing that the House desires these conservatories to stay in the neighborhood where they are; acting on expert advice that in such case this is the best location; and contemplating perhaps \$170,000 more of expenditure than is likely to be made anyhow under the public-buildings program, your committee advises this purchase. [Applause.]

Mr. Speaker, I reserve the balance of my time.

Mr. BLACK of Texas. Mr. Chairman, I am opposed to this bill. The Botanic Garden has been at its present location, as I understand it, for about 105 years.

It is now proposed to move it and relocate it on ground owned by private individuals and on which extensive improvements already exist. These improvements will, of course, all have to be wrecked at great expense, and after they are torn away there will not be a foot of land fit to grow a flower or a shrub. The gentleman from Massachusetts [Mr. LUCE] says that we need to move the Botanic Garden. Well, if we do, let us use the common sense to move it to some ground where we can at least grow a flower or a shrub. We will have nothing on this location after the improvements are torn away but brick and mortar, and the Government will have to haul every foot of soil and put it upon the new location if there is ever any botanic garden there.

Mr. Harold E. Doyle, a real-estate man selected by the Committee on the Library to make an estimate of how much money will be required to purchase the new site, estimates that \$800,000 will be required. Then will come the cost of demolishing the buildings now on the site and hauling the soil which will be necessary before anything in the way of a flower or shrub can be grown. I think it is safe to figure this will cost at least \$300,000 more, and therefore I say that before a single shrub or flower is planted on the new site the Government will have expended an outlay of more than \$1,000,000.

The committee in its report cites some elaborate reasons as to why the new site should be acquired. These reasons I do not think are convincing. One of them is that the location of the Meade Monument in the present Botanic Garden makes necessary the relocation of the Bartholdi fountain. I will admit it.

I do not know who is responsible for locating the Meade Monument in the Botanic Garden. But that mistake has been made, but it should not furnish any reason why we should spend a million or two of the people's money in hunting out a new location for the Botanic Garden.

An excellent site for the relocation of the Bartholdi Fountain can be found in the northeast corner of the present gardens without the expenditure of a single cent.

It is also argued that a new conservatory is needed, and the present one is dilapidated and can not be successfully repaired. My friend the gentleman from Texas [Mr. LANHAM] in his questions to Mr. LUCE stressed that point. I admit this; but I see no reason why the present old structure can not be torn down and a new one erected in its place on the same ground without purchasing nearly a million dollars' worth of new ground at the taxpayers' expense. So far as I am concerned, I am perfectly willing to vote for an appropriation which will furnish the required amount of money to construct the new building on its present site, but I am not willing to spend a penny for new ground.

In addition to these reasons which I have already given against this bill and which I think are perfectly good, there is also the reason that the passage of the bill is advocated in the editorial columns of the esteemed Washington Post. The Post is a great paper, so far as news is concerned, but if that paper ever advocated anything in its editorial columns which was in the interest of the masses of the people, it was in a moment of forgetfulness. It certainly had no intention of doing so. [Laughter and applause.]

I have long since learned that it is almost invariably safe to get on the opposite side from what it advocates.

At any time I find myself in accord with its views, I am compelled to study the question anew in order to find out what has led me astray. [Laughter and applause.]

The editorial to which I have referred appeared in the Post yesterday and is headed "The Botanic Garden." In the same issue is another editorial, "The dividend and the tariff," in which it seeks to justify the unconscionable and outrageous profits which the United States Steel Corporation has wrung from the pockets of the American people, and then argues that these enormous dividends should not be used as an occasion to give the people any relief from the "robber" tariff. Holding this point of view, no wonder it was one of the very first papers to rush in and justify the jury in turning Fall and Doheny loose and to urge the people to accept it as an act of justice. Of course, we will have to accept it, but not without a feeling of criticism for the jury which rendered the verdict and a still greater feeling of criticism for some of the Cabinet officers who scared up a Japanese war scare, to the great aid of the defense. [Applause.]

Regardless of what may be the result of the vote on this bill, its consideration has at least afforded me the opportunity of expressing my opinion of the editorial columns of the Washington Post. If you gentlemen want to spend a million or two dollars of the people's money in providing a new location for the Botanic Garden, the responsibility is up to you. I shall feel that I have done my duty when I have expressed my emphatic opposition. [Applause.]

Mr. HUDDLESTON. Will the gentleman yield?

Mr. BLACK of Texas. I yield.

Mr. HUDDLESTON. Why not carry this Botanic Garden to the country, where people may grow things, instead of trying to run it in a city?

Mr. BLACK of Texas. If it is to be moved, it ought to be moved to a site where soil is available to grow plants and flowers.

Mr. HUDDLESTON. Will the gentleman not tell us also what is the benefit of the Botanic Garden? How do the people of the country at large derive any advantage from it? Where do they get value for the \$140,000 a year that it costs them?

Mr. BLACK of Texas. I do not think the people of the country generally get much benefit out of it. However, it is an established institution, and if it is to be continued, I want it to stay in its present location or be moved to one that would be more suitable. Certainly not to a site covered by brick and stone buildings and which must be purchased at very large expense.

Mr. HUDDLESTON. Just what benefit do the people get from the Botanic Garden?

Mr. BLACK of Texas. As I say, I do not think the people of the country generally get any notable benefit.

Mr. HUDDLESTON. The Botanic Garden distributes through each Member, I believe, some 70 to 80 shrubs and plants a year. What I am able to get for my constituents are little twigs about as long as your finger and are not worth sending out. We have stopped the sending out of seeds. The cry was that that was a congressional graft. If it was a congressional graft, this is just as much graft. The seeds were of much more benefit to the people. Why not stop this pretended plant distribution? Is it not a fact, may I ask the gentleman from Texas, that certain powerful and influential persons in connection with the Government and otherwise get benefits from the Botanic Garden in the way of favoritism, in the form of flowers and shrubs with which they adorn their homes and the parties which they give? Is not that a fact?

Mr. BLACK of Texas. I have no definite information on that point.

Mr. BLANTON. Will the gentleman yield?

Mr. BLACK of Texas. I yield to the gentleman.

Mr. BLANTON. No one who has robbed the Government of the United States ought to be tried by a Washington jury, because they are so used to getting just what they want out of the Federal Treasury that they are not the kind of men to try robbers of the People's Treasury.

Mr. BLACK of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. ROMJUE. Will the gentleman yield to me for a question?

Mr. BLACK of Texas. I yield to the gentleman.

Mr. ROMJUE. I am in accord with what the gentleman has said, but I want to call his attention to page 3, section 2, where there is an appropriation of \$820,000. In the preceding section, on page 3, this language appears:

For the purpose of this paragraph the unexpended balance of the appropriation made pursuant to authority contained in Public Resolution No. 42, etc., is made available.

How much is that unexpended balance?

Mr. BLACK of Texas. I am sorry I can not answer the inquiry. I do not have Public Resolution No. 42 at hand. This matter has come up hurriedly, and I have not had time to get it.

Mr. LOZIER. Will the gentleman yield for a question?

Mr. BLACK of Texas. Yes.

Mr. LOZIER. Is it not true that the Washington Post at one time in a lucid moment attempted to buy respectability by employing George W. Harvey, and for a few months lived in the atmosphere of dignity and decency, but a course of respectability was so foreign to the policy of the Post that it dispensed with Mr. Harvey's services in a few months?

Mr. BLACK of Texas. My reply is that I think I have already rather clearly expressed my opinion about the editorial columns of the Post. On that point I have nothing more to say.

I reserve the balance of my time, Mr. Speaker.

Mr. LUCE. Mr. Speaker, I yield five minutes of my time to the gentleman from Kentucky [Mr. GILBERT].

Mr. GILBERT. Mr. Speaker, as the ranking member of the minority on the committee suggesting this legislation I feel it incumbent on me to give at least the Democratic Members of the House the reasons which actuate me in indorsing this proposition. As far as I am concerned, I am not interested in the Washington Post nor its editorials. I neither let it trend me toward propositions to which I am opposed or drive me from a thing I think is right.

My reasons are more general than specific. Perhaps it is due to my country influence and environment that I look upon a tree as grander than a monument of stone, and a flower as more beautiful than a work of art. Those who have had much in the past to do with beautifying the District, perhaps influenced by the fact that it was new and in a wonderful natural environment of beauty have emphasized their efforts in stone rather than in plants and flowers.

The gentleman wanted to know what good comes of it. Everything in this world and in this life is not measured by money. If it is the amount of money we get out of it, perhaps nothing, but you get the same good out of it that you would in looking at a great picture or anything else that inspires you to look beyond the mere dollar.

Every capital in the old country comparable with the United States has gardens of this kind, many times more expensive than ours. I think some confusion is caused by the statement of the removal of the Botanic Garden. That is what I am opposed to. That is a removal in the sense of taking it from its present general location. If we do not pass legislation similar to this and it eventually comes into the hands of the Department of Agriculture, then the suggestion of the gentleman from Texas [Mr. BLACK] will be carried out. It will be taken far from the city where they can find soil and cheap ground, and it will also be taken far beyond those who come here to see it. [Applause.]

The SPEAKER. The time of the gentleman from Kentucky has expired.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts to suspend the rules and pass the bill.

Mr. LUCE. Mr. Speaker, I ask unanimous consent that the bill be amended on page 2, line 23. When the bill was drawn last year it was expected that we could get the plans and specifications before the conclusion of this Congress. Manifestly we can not do that in two months, and therefore I ask unanimous consent that the Sixty-ninth Congress be changed to the Seventieth Congress.

Mr. JONES. Reserving the right to object, I would like to ask the gentleman a question. Some of us would not mind voting to let them have more ground if they did not move the garden. Has the committee considered the proposition of keeping the garden where it is and getting additional ground?

Mr. LUCE. As far as I can ascertain, the general opinion seemed to be nearly unanimous that we had better get outside of the present location and across the street.

Mr. JONES. The committee did consider that.

Mr. LUCE. Certainly.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts to amend the bill by inserting the Seventieth Congress instead of the Sixty-ninth?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts to suspend the rules and pass the bill.

The question was taken, when Mr. BLACK of Texas made the point that there was no quorum present.

The SPEAKER. The gentleman from Texas makes the point that no quorum is present. The Chair will count. [After counting.] One hundred and eighty Members present; not a quorum.

The doors were closed, the Sergeant at Arms was directed to bring in absent Members, and the Clerk called the roll; and there were—yeas 221, nays 55, not voting 157, as follows:

[Roll No. 5]

YEAS—221

Abernethy	Dickinson, Iowa	Kahn	Rayburn
Ackerman	Dickinson, Mo.	Kearns	Reed, N. Y.
Adkins	Dominick	Kelly	Robison, Ky.
Allen	Doughton	Kendall	Rogers
Appleby	Douglass	Ketcham	Rowbottom
Arnold	Dowell	Kiess	Ruby
Aswell	Drane	Kindred	Rutherford
Auf der Heide	Drewry	King	Sanders, N. Y.
Bacharach	Dyer	Kopp	Sandlin
Bacon	Elliott	Kunz	Schneider
Bankhead	Ellis	Kurtz	Sears, Fla.
Barbour	Englebright	LaGuardia	Seger
Barkley	Esterly	Lanham	Shallenberger
Beers	Evans	Larsen	Smith
Begg	Fenn	Lazaro	Smithwick
Black, N. Y.	Fitzgerald, Roy G.	Leatherwood	Snell
Bland	Fitzgerald, W. T.	Leavitt	Sosnowski
Blanton	Fletcher	Leibach	Speaks
Bloom	Fort	Letts	Sprout, Ill.
Boies	Foss	Linthicum	Strong, Kans.
Bowles	Free	Luce	Strong, Pa.
Bowman	French	Lyon	Strother
Brand, Ga.	Frothingham	McDuffie	Sweet
Brigham	Gardner, Ind.	McFadden	Swing
Browne	Garrett, Tenn.	McKeown	Thatcher
Buchanan	Garrett, Tex.	McLeod	Thurston
Bulwinkle	Gasque	McMillan	Tillman
Burdick	Gibson	McReynolds	Tilson
Burtness	Gilbert	McSweeney	Timberlake
Burton	Goodwin	MacGregor	Treadway
Butler	Graham	Magee, N. Y.	Tucker
Byrns	Green, Iowa	Magrady	Underhill
Canfield	Greenwood	Major	Underwood
Carew	Griest	Manlove	Updike
Carpenter	Hadley	Mansfield	Vincent, Mich.
Carss	Hall, N. Dak.	Martin, La.	Vinson, Ga.
Carter, Calif.	Hammer	Merritt	Wainwright
Chalmers	Haugen	Michaelson	Walters
Chindblom	Hawley	Michener	Wason
Christopherson	Hayden	Moore, Ohio	Watres
Clague	Hersey	Morrow	Watson
Cochran	Hickey	Murphy	Welch, Calif.
Cole	Hill, Md.	Nelson, Me.	White, Kans.
Collins	Hoch	Nelson, Mo.	White, Me.
Colton	Hogg	Nelson, Wis.	Whitehead
Cooper, Ohio	Hoopar	Newton, Minn.	Williams, Ill.
Cooper, Wis.	Houston	Norton	Williamson
Coyle	Hudson	O'Connor, La.	Wilson, La.
Cramton	Hull, Tenn.	Oldfield	Wingo
Crowther	Hull, Morton D.	Oliver, Ala.	Wolverton
Crumpacker	Hull, William E.	Parker	Wood
Dallinger	Irwin	Perkins	Wurzbach
Davenport	Jenkins	Prall	Wyant
Davey	Johnson, Ill.	Purnell	
Davis	Johnson, Ind.	Ramseyer	
Denison	Johnson, S. Dak.	Rathbone	

NAYS—55

Allgood	Green, Fla.	Lozier	Romjue
Almon	Hare	McClintic	Sanders, Tex.
Andresen	Hastings	McSwain	Schafer
Bachmann	Hill, Ala.	Mapes	Simmons
Black, Tex.	Hill, Wash.	Miller	Sinclair
Box	Howard	Milligan	Summers, Wash.
Briggs	Huddleston	Moore, Ky.	Swank
Browning	James	Morehead	Thomas
Busby	Johnson, Tex.	Parks	Wefald
Collier	Jones	Quin	Whittington
Crisp	Kemp	Ragon	Williams, Tex.
Driver	Knutson	Raney	Woodrum
Eslick	Lankford	Rankin	Wright
Funk	Lowrey	Reece	

NOT VOTING—157

Aldrich	Carter, Okla.	Edwards	Gorman
Andrew	Celler	Fairchild	Griffin
Anthony	Chapman	Faust	Hale
Arentz	Cleary	Fish	Hall, Ind.
Ayres	Connally, Tex.	Fisher	Hardy
Bailey	Connery	Frear	Harrison
Beck	Connolly, Pa.	Fredericks	Holaday
Beedy	Corning	Freeman	Hudspeth
Bell	Cox	Fulmer	Jacobstein
Berger	Crosser	Furlow	Jeffers
Bixler	Cullen	Gallivan	Johnson, Ky.
Bowling	Curry	Gambrell	Johnson, Wash.
Boylan	Darrow	Garber	Keller
Brand, Ohio	Deal	Garner, Tex.	Kerr
Britten	Dempsey	Gifford	Kiefner
Brumm	Dickstein	Glynn	Kincheloe
Campbell	Doyle	Goldner	Kirk
Cannon	Eaton	Goldsborough	Kvale

Lampert	O'Connell, R. I.	Somers, N. Y.	Tolley
Lea, Calif.	O'Connor, N. Y.	Spearing	Tydings
Lee, Ga.	Oliver, N. Y.	Sproul, Kans.	Upshaw
Lindsay	Patterson	Stalker	Vaile
Lineberger	Peavey	Stegall	Vare
Little	Peery	Stedman	Vestal
McLaughlin, Mich.	Perlmán	Stephens	Vinson, Ky.
McLaughlin, Nebr.	Phillips	Stevenson	Voigt
Madden	Porter	Stobbs	Warren
Magee, Pa.	Pou	Sullivan	Weaver
Martin, Mass.	Pratt	Sumners, Tex.	Weller
Mead	Quayle	Swartz	Welsh, Pa.
Menges	Ransley	Swoope	Wheeler
Mills	Reed, Ark.	Taber	Wilson, Miss.
Montague	Reid, Ill.	Taylor, Colo.	Winter
Montgomery	Robinson, Iowa	Taylor, N. J.	Woodruff
Mooney	Rouse	Taylor, Tenn.	Woodyard
Moore, Va.	Sabath	Taylor, W. Va.	Yates
Morgan	Scott	Temple	Zihlman
Morin	Sears, Nebr.	Thompson	
Newton, Mo.	Shreve	Tincher	
O'Connell, N. Y.	Sinnott	Tinkham	

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

The Clerk announced the following pairs:
Until further notice:

Mr. Madden with Mr. Pou.
Mr. Darrow with Mr. Garner of Texas.
Mr. McLaughlin of Michigan with Mr. Fisher.
Mr. Faust with Mr. Deal.
Mr. Mills with Mr. Montague.
Mr. Newton of Missouri with Mr. Corning.
Mr. Bixler with Mr. Bell.
Mr. Anthony with Mr. Hudspeth.
Mr. Porter with Mr. Johnson of Kentucky.
Mr. Ransley with Mr. Lee of Georgia.
Mr. Sinnott with Mr. Mead.
Mr. Temple with Mr. Crosser.
Mr. Vare with Mr. Lindsay.
Mr. Thompson with Mr. Moore of Virginia.
Mr. Zihlman with Mr. O'Connell of New York.
Mr. Yates with Mr. Peery.
Mr. Reid of Illinois with Mr. Rouse.
Mr. Lampert with Mr. Steadman.
Mr. Hall of Indiana with Mr. Tydings.
Mr. Bailey with Mr. Warren.
Mr. Connolly of Pennsylvania with Mr. Spearing.
Mr. Furlow with Mr. Taylor of West Virginia.
Mr. Patterson with Mr. Doyle.
Mr. Morin with Mr. Ayres.
Mr. Kiefner with Mr. Griffin.
Mr. Martin of Massachusetts with Mr. Carter of Oklahoma.
Mr. Johnson of Washington with Mr. Mooney.
Mr. Britten with Mr. O'Connell of Rhode Island.
Mr. Golder with Mr. Stevenson.
Mr. Aldrich with Mr. Weaver.
Mr. Magee of Pennsylvania with Mr. Sullivan.
Mr. Dempsey with Mr. Oliver of New York.
Mr. Fredericks with Mr. Gallivan.
Mr. Gifford with Mr. Quayle.
Mr. Freeman with Mr. Chapman.
Mr. Hardy with Mr. Bowling.
Mr. Arentz with Mr. Harrison.
Mr. Brand of Ohio with Mr. Connally of Texas.
Mr. Curry with Mr. Kincheloe.
Mr. Welsh of Pennsylvania with Mr. Boylan.
Mr. Pratt with Mr. Jeffers.
Mr. Scott with Mr. Little.
Mr. Winter with Mr. Cullen.
Mr. Stalker with Mr. Kerr.
Mr. Taber with Mr. Celler.
Mr. Tinkham with Mr. Edwards.
Mr. Stobbs with Mr. Gambrill.
Mr. Fairchild with Mr. O'Connor of New York.
Mr. Stephens with Mr. Goldsborough.
Mr. Eaton with Mr. Upshaw.
Mr. Beedy with Mr. Stegall.
Mr. Glynn with Mr. Weller.
Mr. Morgan with Mr. Lea of California.
Mr. Fish with Mr. Cox.
Mr. Brumm with Mr. Reed of Arkansas.
Mr. Holaday with Mr. Jacobstein.
Mr. Keller with Mr. Cleary.
Mr. Hale with Mr. Sabath.
Mr. Swartz with Mr. Vinson of Kentucky.
Mr. Taylor of Tennessee with Mr. Somers of New York.
Mr. Vestal with Mr. Taylor of Colorado.
Mr. Woodruff with Mr. Sumners of Texas.
Mr. Taylor of New Jersey with Mr. Kvale.
Mr. Valle with Mr. Cannon.
Mr. Wheeler with Mr. Dickstein.
Mr. Tolley with Mr. Fulmer.
Mr. Menges with Mr. Connery.
Mr. Gorman with Mr. Berger.

The result of the vote was announced as above recorded.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS

Mr. TILSON. Mr. Speaker, in order to be certain that we have time in which to finish the agricultural appropriation bill, I ask unanimous consent that Calendar Wednesday business for next Wednesday be set aside.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that Calendar Wednesday business for next Wednesday be set aside. Is there objection?

There was no objection.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, I should like to have a further understanding, a gentleman's agreement we sometimes call it,

that in case the Department of Agriculture appropriation bill should be finished to-morrow the session on Wednesday will be only merely a formal one.

Mr. GARRETT of Tennessee. Mr. Speaker, I think an announcement upon the part of the gentleman from Connecticut that if the agricultural bill be finished to-morrow he will move to adjourn after the reading of the Journal and the disposition of business on the Speaker's table on Wednesday will be sufficient to meet the purpose. If an agreement is desired, I am sure we can enter into an agreement.

Mr. TILSON. I shall take it as an agreement if no one objects.

Mr. CRISP. Mr. Speaker, will the gentleman yield?

Mr. TILSON. Yes.

Mr. CRISP. There has been no change in the plan for the Christmas recess?

Mr. TILSON. No.

Mr. GARRETT of Tennessee. Mr. Speaker, if the gentleman will permit, in a private conversation I had with the gentleman from Connecticut [Mr. TILSON] a few moments ago, I mentioned one subject matter that has been the occasion of a number of inquiries of me this morning. I refer to the river and harbor bill, concerning which there is some hope of passage in the other body to-morrow. I take it that if that bill should pass to-morrow there is no possibility of its being messaged here in time for any action to be taken upon it to-morrow.

Mr. TILSON. As to that I do not know. With the understanding that we have just had, if that bill should come to the House later than to-morrow, I should not feel inclined to ask that any action be taken upon it until after the holidays, unless the action were of a merely formal character.

DEPARTMENT OF AGRICULTURE APPROPRIATION BILL

Mr. MAGEE of New York. Mr. Chairman, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15008, the Agricultural Department appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the agricultural appropriation bill, with Mr. TREADWAY in the chair.

The Clerk read the title of the bill.

The Clerk read to the end of line 16, on page 4.

Mr. MAGEE of New York. Mr. Chairman, I ask unanimous consent to correct the spelling of the word "vehicles," in line 7, page 4.

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

The Clerk read as follows:

WEATHER BUREAU

SALARIES AND GENERAL EXPENSES

For carrying into effect in the District of Columbia and elsewhere in the United States, in the West Indies, in the Panama Canal, the Caribbean Sea, and on adjacent coasts, in the Hawaiian Islands, in Bermuda, and in Alaska, the provisions of an act approved October 1, 1890, so far as they relate to the weather service transferred thereby to the Department of Agriculture, and the amendment thereof contained in section 5 (e) of the air commerce act of 1926, for the employment of professors of meteorology, district forecasters, local forecasters, meteorologists, section directors, observers, apprentices, operators, skilled mechanics, instrument makers, foremen, assistant foremen, proof readers, compositors, pressmen lithographers, folders and feeders, repairmen, station agents, messengers, messenger boys, laborers, special observers, displaymen, and other necessary employees; for fuel, gas, electricity, freight and express charges, furniture, stationery, ice, dry goods, twine, mats, oil, paints, glass, lumber, hardware, and washing towels; for advertising; for purchase, subsistence, and care of horses and vehicles, the purchase and repair of harness, for official purposes only; for instruments, shelters, apparatus, storm-warning towers and repairs thereto; for rent of offices; for repair and improvements to existing buildings and care and preservation of grounds, including the construction of necessary outbuildings and sidewalks on public streets abutting Weather Bureau grounds; and the erection of temporary buildings for living quarters of observers; for official traveling expenses; for telephone rentals, and for telegraphing, telephoning, and cabling reports and messages, rates to be fixed by the Secretary of Agriculture by agreement with the companies performing the service, including the termination, effective on June 30, 1927, by agreement, of existing contracts with not more than 15 companies so as to provide uniform rates during the fiscal year 1928 for all companies, and any contracts made as a result of this authority to terminate shall not contain rates in excess of those fixed for similar services in the contract of July 1, 1925, for which an adjustment appropriation of

\$168,312 was made in the deficiency act, approved March 3, 1926; for the maintenance and repair of Weather Bureau telegraph, telephone, and cable lines; and for every other expenditure required for the establishment, equipment, and maintenance of meteorological offices and stations and for the issuing of weather forecasts and warnings of storms, cold waves, frosts, and heavy snows, the gauging and measuring of the flow of rivers and the issuing of river forecasts and warnings; for observations and reports relating to crops, and for other necessary observations and reports, including cooperation with other bureaus of the Government and societies and institutions of learning for the dissemination of meteorological information, as follows:

Mr. HARE. Mr. Chairman, I move to strike out the last word for the purpose of making an inquiry of the chairman of the subcommittee. In lines 4 and 5, page 13, I would like to know the meaning of the language—

for observations and reports relating to crops, and for other necessary observations and reports.

Is that in any way a duplication of the reports with relation to crop estimates gotten out by the division of crop estimates in the Bureau of Agricultural Economics?

Mr. MAGEE of New York. This refers only to Weather Bureau reports.

Mr. HARE. Do I understand that the Weather Bureau is also going to report on crops and crop conditions and yields, as well as the division of crop estimates in the Bureau of Agricultural Economics?

Mr. MAGEE of New York. This provision is carried year by year and there is no conflict between the two bureaus.

Mr. HARE. That is the reason I make the point. I understand there is probably a conflict or duplication of duties.

Mr. MAGEE of New York. This provision relates to weather conditions affecting crops.

Mr. HARE. There is some criticism on the part of the public, according to my understanding. The division of crop estimates gets out a report, we will say, on the 15th, showing the condition of crops, and the following week the Weather Bureau comes out with a report and shows an entirely different condition. The two are not harmonious and often create a doubt in the mind of the public as to which is correct. I was wondering, therefore, whether this report by the Weather Bureau is absolutely necessary.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. HARE. Yes.

Mr. NEWTON of Minnesota. Is not the public actually a little better off if two branches of the Government disagree on their predictions, rather than to have them agree and to have those figures so far off that they mislead everyone?

Mr. HARE. I am not prepared to say that the gentleman is correct.

Mr. NEWTON of Minnesota. I do not know when they ever get it right.

Mr. BUCHANAN. Mr. Chairman, will the gentleman yield?

Mr. HARE. Yes.

Mr. BUCHANAN. The crop estimate reports come out at stated intervals, fixed by law. The weather forecasts are merely to cover the period between those stated intervals. You may have your agricultural forecasts to-day. The day after to-morrow there may be a severe storm or a severe frost. The Weather Bureau reports that. The estimating bureau has no authority to report from day to day. These reports dovetail with one another to keep the public informed of the progress of crops and weather conditions every day during the producing season.

Mr. HARE. Now, I would ask this question: If the Weather Bureau is going to issue that report in reference to frost, does the Weather Bureau attempt to estimate the amount of damage done to a particular crop?

Mr. BUCHANAN. In general terms it might state that there would be serious damage or severe damage or something like that, but nothing like the crop estimate bureau, Bureau of Economics.

Mr. HARE. I understand that they would estimate in a general way, but not specifically?

Mr. BUCHANAN. Absolutely.

Mr. HARE. They would not say the condition had deteriorated 20 per cent or any other per cent?

Mr. BUCHANAN. No.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

For the investigation of diseases of cotton, potatoes, truck crops, forage crops, drugs and related plants, \$150,570.

Mr. BUCHANAN. Mr. Chairman, I offer an amendment. The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Strike out the figures \$150,570 and insert in lieu thereof the following: "\$167,570, of which \$17,500 shall be immediately available for investigation relation to the root rot in cotton.

Mr. BUCHANAN. Mr. Chairman, this is an increase in the appropriation of \$17,000 to enable the scientists of the Department of Agriculture to study the disease known as root rot of cotton, a very destructive and insidious disease. In all the prairie black-land area of the southern United States the farmer plants a crop, goes to all the expense of cultivating it, when a microscopic insect attacks the root of the plant, destroys the root, and the cotton dies. That farmer has suffered a great loss. He makes no crop and loses all the expenses of cultivating. This is a question for the scientists of the Bureau of Plant Industry to investigate. For several years I have called attention to this disease in the hearings before the committee, and the bureau has continually promised to make an investigation, but they have never done so. This year I asked how much would be necessary to make an effective investigation, and they said between \$10,000 and \$25,000. Therefore, with the \$17,000 they can conduct experiments in the different parts of the Cotton Belt and try to find a remedy that will destroy the insect. In the judgment of the department some character of fertilizer may be found both to destroy the insect and fertilize the soil. Your subcommittee understands this question thoroughly, and I understand the amendment is acceptable.

Mr. MAGEE of New York. Mr. Chairman, I do not know much about cotton, but I have no objection to this amendment, and I hope it will be adopted.

The question was taken, and the amendment was agreed to.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word. I want to congratulate my colleague from Texas [Mr. BUCHANAN] on getting a valuable amendment passed a moment ago in behalf of the farmers of the country. He is a good friend of the farmers of the United States, and the farmers are finding it out, and he deserves a whole lot of credit for the work he has done on this bill already, and for the additional work he is going to do on the bill here on the floor before we get through with it.

But this audience this evening is characteristic, in a large measure, of the attitude of the Congress towards the farm problems. My friends, the sure-enough dirt farmers, are here.

Mr. HILL of Maryland. And the city farmers.

Mr. BLANTON. Yes; the static statesman from Baltimore is here, but I can not agree with him on his definition. I thought a static statesman should be construed as a politician who is slumbering deeply, but not yet dead.

Mr. HILL of Maryland. I hope it is that way.

Mr. BLANTON. But this situation does portray the attitude of Congress toward agriculture. Here is the great agricultural supply bill under consideration. This is the time and place when it is finally written. It is the one bill that has in its provisions every single thing the farmers of America may expect from the Congress, yet we have exactly 31 Members of the House present. Thirty-one—31 Congressmen only now present out of a membership of 435. Now, our other friends are not interested in agriculture, it would seem.

Mr. MAGEE of New York. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. MAGEE of New York. That is not my experience. Many of my colleagues have made inquiries relative to the provisions of the bill.

Mr. BLANTON. And ought to be here when the agricultural bill comes up. Here is our friend from Texas [Mr. MANSFIELD] present, and if he can be here the balance of the 435 Members ought to be here.

Mr. MAGEE of New York. They are very much interested in the bill. I call the gentleman's attention to the big question of bovine tuberculosis. We have met that situation by making a larger appropriation.

Mr. BLANTON. I am not complaining about the gentleman from New York [Mr. MAGEE], who is the chairman in charge of this bill, because my colleague from Texas has just persuaded him to do something for the farmer here in giving him this amendment that has just been passed, and that shows that the gentleman's heart is right.

Mr. MAGEE of New York. I am a farmer myself.

Mr. BLANTON. I know it, and that is the reason why the gentleman agreed to this amendment to help the farmers.

I will tell you what is the real matter with the farmers. You are never going to solve the farm problem until you solve

this one question: You remember our distinguished friend, only recently a Member of this House, the late distinguished gentleman from New York, Mr. Bourke Cockran, got up on this floor and said that he was going to be frank with Congress and not camouflage on the question. He said he represented 6,000,000 consumers in the city of New York, and that they wanted to get everything they ate and wore just as cheaply as they could get it, and he was for them. He was opposed to all this agitation about raising the price of farm products. Whenever you solve that conflicting interest between consumer and producer you will have solved most of the ills that now beset the farmer and the producer. It is the special, selfish interest of consumers in the big cities, who want the products of the farm and the ranch just as cheaply as they can get them. They will not stand for anything that will enhance the price of farm products. And their representatives vote to keep prices down. You know that is just as true as can be.

Mr. DAVIS. Is it not a fact that all the appropriations in the Agricultural appropriation bill are calculated to increase production and, consequently, decrease the price to the farmer?

Mr. BLANTON. Yes; and nothing will appear in this bill unless for the benefit of the consumer. The trouble is that the representatives of the consumers out-vote us representatives of the farm producers here on the floor.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. May I have two minutes more?

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLANTON. I will not take more time on this bill, because I am willing to confess that the gentleman from Connecticut [Mr. TILSON] caught me, for one, when he proposed that if we finished this bill on Tuesday he would give us Wednesday. I am going to try to help you finish it to-morrow.

If you can just solve that one question, then the whole problem will be solved. The Congressmen who represent the millions of consumers in the big cities control the situation here in Congress. When you get up a proposition to help the farmer and producer they come in and vote down any proposition that would in any way increase the price of farm products.

Mr. DAVIS. In voting against these propositions, they are voting for the consumer as well as against the farmer?

Mr. BLANTON. Yes.

Mr. JONES. And they are also opposing measures to reduce the price of the things the farmers have to buy.

Mr. BLANTON. Yes. Because these same consumers manufacture all utensils and implements and clothing which farmers must buy, and their desire is to increase the price of the manufacturers' products. It is the selfish interests of the consumers in the big cities which is starving the farmers and their families to death on the farms every year.

The CHAIRMAN. The time of the gentleman from Texas has again expired. The Clerk will again read.

The Clerk read as follows:

For acclimatization and adaptation investigations of cotton, corn, and other crops introduced from tropical regions, and for the improvement of cotton and other fiber plants by cultural methods, breeding, and selection, and for determining the feasibility of increasing the production of hard fibers outside of the continental United States, \$200,800: *Provided*, That not more than \$7,500 of this sum may be used for experiments in cottonseed interbreeding: *Provided further*, That of this sum \$50,000 may be used for explorations, research, and field experiments relating to potential rubber-producing plants.

Mr. HARE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from South Carolina is recognized.

Mr. HARE. I would like to ask the chairman of the subcommittee the meaning of lines 18, 19, and 20 in the paragraph for—

determining the feasibility of increasing the production of hard fibers outside of continental United States.

I would like to know what kind of fibers are included in the "hard fibers," and I would like to know where those fibers are to be produced, and for what purpose.

Mr. MAGEE of New York. As I understand, that is for work in the Philippines, rope.

Mr. HARE. Fibers for making rope in the Philippines?

Mr. MAGEE of New York. Hemp, as I understand it; twine.

Mr. HARE. There is no reference made to rope or twine above that in the paragraph, and the only interpretation I could get was that it referred to cotton. If it does not refer

to cotton, the provision should be eliminated, because I think we should insist that the rope and twine used in this country should be made out of cotton instead of encouraging production in the Philippines.

Mr. MAGEE of New York. It is for the improvement of cotton and other fiber plants.

Mr. HARE. I see. The other "fiber plants," as I understand it, refer to rope?

Mr. MAGEE of New York. Yes.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

For the investigation and improvement of cereals, including corn, and methods of cereal production, and for the study and control of cereal diseases, including barberry eradication, and for the investigation of the cultivation and breeding of flax for seed purposes, including a study of flax diseases, and for the investigation and improvement of broomcorn and methods of broomcorn production, \$737,200: *Provided*, That \$375,000 shall be set aside for the location of and destruction of the barberry bushes and other vegetation from which rust spores originate: *Provided further*, That \$75,000 of this amount shall be available for expenditure only when an equal amount shall have been appropriated, subscribed, or contributed by States, counties, or local authorities, or by individuals or organizations, for the accomplishment of such purposes.

Mr. LEAVITT. Mr. Chairman, I move to strike out the last word, in order to ask a question of the Chairman.

The CHAIRMAN. The gentleman from Montana is recognized.

Mr. LEAVITT. I notice on page 27, line 8, that an amount is given for the location and destruction of barberry bushes, which has a very important relationship to the protection of our wheat crop from rust in the Western States. I would appreciate a statement of how this compares with the previous appropriation.

Mr. MAGEE of New York. The Bureau of the Budget recommended a decrease of \$25,000 in this appropriation, but the committee feels it is a very important work, and very great progress has been made in the eradication of barberry bushes. The survey of the ground a second time requires a great deal of care, and the result has been so satisfactory to the States of the Northwest, the committee felt the amount ought to be restored to the amount of the appropriation for this year.

Mr. LEAVITT. This is of great value to Montana, where much of this work has been done; and in the name of my State I wish to thank the committee for restoring the appropriation.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

For necessary expenses for general administrative purposes, including the salary of the Chief Forester and other personal services in the District of Columbia, \$366,748.

Mr. HILL of Maryland. Mr. Chairman, I move to strike out the last word for the purpose of asking a question of the chairman of the subcommittee. I desire to invite his attention to line 21 of page 22:

For necessary expenses for general administrative purposes, including the salary of the Chief Forester and other personal services in the District of Columbia, \$366,748.

I wanted to ask the chairman of the subcommittee how much of that money is to be expended exclusively for personal services in the District of Columbia, and how much is to be expended for services partially rendered in the District and partially rendered in the field? I am not asking for the exact figures, but approximately.

Mr. MAGEE of New York. My information is this amount is to be expended in the District.

Mr. HILL of Maryland. That is my understanding. That it is entirely for the District.

Mr. MAGEE of New York. Yes.

Mr. HILL of Maryland. And such amounts as \$1,236,186, on page 33, and the amounts contained in the subsequent paragraphs, which have not been read, are primarily for expenditure by the field service in the forests themselves.

Mr. MAGEE of New York. In the districts mentioned.

Mr. HILL of Maryland. In that particular district?

Mr. MAGEE of New York. Yes.

Mr. HILL of Maryland. Mr. Chairman, I withdraw the pro forma amendment, and ask unanimous consent to revise and extend these remarks.

The CHAIRMAN. The gentleman from Maryland withdraws the pro forma amendment and asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

The Clerk read as follows:

For fighting and preventing forest fires on or threatening the national forests and for the establishment and maintenance of a patrol to prevent trespass and to guard against and check fires upon the lands revested in the United States by the act approved June 9, 1916, and the lands known as the Coos Bay Wagon Road lands involved in the case of Southern Oregon Co. against United States (No. 2711), in the Circuit Court of Appeals of the Ninth Circuit, \$283,000, of which \$150,000 shall be immediately available: *Provided*, That not to exceed \$75,000 of this amount may be used by the Secretary of Agriculture in meeting emergencies caused by forest insects on national forests.

Mr. LEAVITT. Mr. Chairman, I move to strike out the last word in order to ask a question of the chairman of the subcommittee. I would like to be informed as to how the appropriation for forest fire fighting and the prevention of forest fires in this bill compares with that of the past year?

Mr. MAGEE of New York. There has been a material increase in the appropriations for the fiscal year 1928 as compared with this fiscal year. One item is for an increased number of fire guards. The committee did not feel like taking any responsibility in reference to forest fires and consequently allowed the item.

Mr. LEAVITT. I will say the committee did exactly right in doing that. One difficulty in handling fires in crisis years, like the season just past, has been the lack of an adequate force on the ground to immediately detect, quickly arrive at the fires, and get the necessary crews at work on the fires as shortly as possible after they start.

Mr. MAGEE of New York. The committee approved of all the department requested on the ground that the responsibility should be on the department and not upon us.

The pro forma amendment was withdrawn.

The Clerk read as follows:

For cooperation with the War Department in the maintenance and operation of an airplane patrol to prevent and suppress forest fires on national forests and adjacent lands, \$50,000: *Provided*, That no part of this appropriation shall be used for the purchase of land or airplanes.

Mr. KETCHAM. Mr. Chairman, I move to strike out the paragraph for the purpose of asking a question of the chairman of the subcommittee. Referring to this paragraph, I would like to ask the chairman of the subcommittee what report he has to make with reference to the development of this airplane patrol. Can the chairman inform us when it was first established and something about its development, what the prospects are and what the successes have been in connection with it?

Mr. MAGEE of New York. The appropriation for this purpose began several years ago and the department believes this service has been very efficient.

Mr. KETCHAM. Have the appropriations been increased gradually as the value of the service has been determined or has it proven to be the contrary?

Mr. MAGEE of New York. As I understand, the appropriation originally was approximately \$50,000; then it was suspended for a time and finally restored two years ago and the department is anxious to have this service continued.

Mr. KETCHAM. It occurs to me, Mr. Chairman, that this is a very important service.

Mr. MAGEE of New York. I think so.

Mr. KETCHAM. If these forest fires could only be located quickly in their inception, then means of combating them could be gotten on the ground much sooner and much more could be accomplished. Of course, I realize that airplanes have no value so far as enabling the department to do much in the way of putting out the fires because of the lack of landing places, but by the use of airplanes the fires can be quickly located, and I believe this is a wonderful service.

Mr. MAGEE of New York. The Chief Forester feels this service should be continued.

Mr. KETCHAM. Amplified, increased, or, at least, carried along at this rate.

Mr. MAGEE of New York. With this amount.

Mr. KETCHAM. For the time being.

Mr. MAGEE of New York. Yes.

The pro forma amendment was withdrawn.

The Clerk read as follows:

For the purchase of tree seed, cones, and nursery stock, for seeding and tree planting within national forests, and for experiments and investigations necessary for such seeding and tree planting, \$150,000.

Mr. SIMMONS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SIMMONS: On page 37, line 8, after the figures "\$150,000," strike out the period and insert: "*Provided*, That from the nurseries on the Nebraska National Forest the Secretary of Agriculture, under such rules and regulations as he may prescribe, may furnish young trees free, so far as they may be spared, to residents of the territory covered by 'An act increasing the area of homesteads in a portion of Nebraska,' approved April 28, 1904."

Mr. BLANTON. Mr. Chairman, I reserve a point of order against the amendment.

Mr. SIMMONS. Mr. Chairman, this puts back in the bill the language it has carried ever since the passage of the Kinkaid Act, so I am informed, and leaves a right with the Secretary of Agriculture that he has had at all times to regulate the distribution of trees to the settlers on the Kinkaid land in the cattle country of Nebraska. It does not change the existing act in any way.

Mr. MAGEE of New York. Mr. Chairman, in order that the Members of the House may know the situation, this is the same provision—

Mr. SIMMONS. As has been in the act all the time.

Mr. MAGEE of New York. It is known as the Kinkaid provision, passed years ago for the distribution of tree seedlings in the sixth district of Nebraska. The committee omitted the provision in this bill because it is no longer necessary for the reason that the same work is done under the provisions of the Clarke-McNary Reforestation Act.

Mr. SIMMONS. Will the gentleman yield there?

Mr. MAGEE of New York. Yes.

Mr. SIMMONS. The Clarke-McNary Act is an entirely different act. That act provided for the sale of trees through State agencies. This provision provides for the distribution of small trees that are used for experimental purposes on the ranches, the surplus trees on the reserve that are distributed by the forestry stations. The Secretary of Agriculture can cut it out at any time.

Mr. MAGEE of New York. I repeat in order that the Members of the House may know what the provision is, the opinion of the committee is that the work is now performed under the Clarke-McNary Reforestation Act, so that it is entirely immaterial, from the viewpoint of the committee, whether it is carried in the bill or not, and there is nothing to discuss.

Mr. BLANTON. Mr. Chairman, if I may speak on the point of order a moment, the Kinkaid provision was an amendment that was inserted in the bill without any authority of law. This proposal is without authority of law. It is legislation pure and simple. It seeks to authorize the giving of trees to applicants in a certain portion of the United States. I do not think this kind of legislation ought to be in the bill, and I therefore make the point of order.

The CHAIRMAN. Does the gentleman from Nebraska desire to be heard?

Mr. SIMMONS. Mr. Chairman, this is being done pursuant to an act of Congress, under authority given in the Kinkaid Act of 1904. It has been carried in all the bills, and the Secretary of Agriculture has authority to do what the Congress is trying to compel him to do here.

Mr. BLANTON. That was in an appropriation bill?

Mr. SIMMONS. No; it was the general law creating the homestead of 640 acres for the cattle country of Nebraska.

Mr. MAGEE of New York. Mr. Chairman, so far as the committee is concerned, our position is that it does not make any difference whether it is in the bill or not. It adds nothing to the bill, and we have no objection to the amendment, so far as we are concerned.

The CHAIRMAN. The duty of the Chair is to decide whether or not the item is subject to the point of order made by the gentleman from Texas. The Chair would inquire of the gentleman from Nebraska whether he knows that this paragraph which he suggests has been copied verbatim from previous legislation?

Mr. SIMMONS. I copied this paragraph verbatim from the appropriation act of last year for the Department of Agriculture.

Mr. BLANTON. And it was merely a provision in an appropriation act. It was not substantive law. That authority expired with that appropriation act. It is just like any other provision that is put in an appropriation act. It does not become permanent law.

The CHAIRMAN. Of course, the Chair realizes that all appropriation acts are simply applicable to the year for which the appropriation is made. The Chair understands from the gentleman from Nebraska that the amendment which he offers was in an appropriation act. Consequently, it was applicable only to the year for which the appropriation bill was passed, and if the Chair is correct in that inference the item is subject to a point of order.

Mr. SIMMONS. The amendment, if the Chair please, provides for distribution under the Kinkaid Act.

The CHAIRMAN. The Chair understood the gentleman from Nebraska to say that this item has been carried verbatim in an appropriation bill. If it was not carried in a legislative bill, it is surely subject to the point of order that the gentleman from Texas raises, and the Chair sustains the point of order.

The Clerk read as follows:

For silvicultural, dendrological, and other experiments and investigations, independently or in cooperation with other branches of the Federal Government, with States, and with individuals, to determine the best methods for the conservative management of forest and forest land, \$332,000, of which amount not to exceed \$60,000 shall be immediately available for the establishment of forest experiment stations as provided in the act entitled "An act to authorize the establishment and maintenance of a forest experiment station in the Ohio and Mississippi Valleys," approved July 3, 1926, and as provided in the act entitled "An act for the establishment and maintenance of a forest experiment station in Pennsylvania and the neighboring States," approved July 3, 1926.

Mr. SIMMONS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 37, line 22, after the figures "1926," strike out the period and insert the following: "Provided, That not more than \$1,000 of this amount may be expended for the improvement of the station buildings which were constructed at the Bessey Nursery, Nebraska National Forest (formerly Dismal River Forest Reserve), in accordance with the act of June 30, 1906 (34 Stat. L. p. 696)."

Mr. SIMMONS. Mr. Chairman, that is to authorize some repairs and improvements on the building at the forest station at that point.

Mr. MAGEE of New York. I have no objection to it. The repairs probably are needed.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. MAGEE of New York. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly, the committee rose; and the Speaker having resumed the chair, Mr. TREADWAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15008, the agricultural appropriation bill, and had come to no resolution thereon.

LEAVE OF ABSENCE

Mr. McLAUGHLIN of Michigan (at the request of Mr. MAPES) was given leave of absence on account of illness.

Mr. MONTGOMERY (at the request of Mr. THOMAS) was given leave of absence on account of illness.

HOOR OF MEETING TO-MORROW

Mr. TILSON. Mr. Speaker, on Saturday, thinking there might be necessity for lengthening the session hours to-morrow in order to complete the consideration of the Department of Agriculture appropriation bill this week, it was ordered that the House meet at 11 o'clock to-morrow. We have had an extra hour on this bill this afternoon that was not anticipated and made great progress in the reading of the bill. It seems therefore unnecessary to bring the Members here to-morrow an hour earlier than usual. I ask unanimous consent that the order of Saturday as to the hour of meeting to-morrow be rescinded.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that the order of the House by which it was arranged that the House meet at 11 o'clock to-morrow be rescinded. Is there objection?

There was no objection.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, before we went into Committee of the Whole, in a colloquy between the gentleman from Tennessee and myself, reference was made to what action might be taken in case the river and harbor bill were passed and messaged over at a late hour. As I recall, what I said to the gentleman from Tennessee was to the effect that if that bill came over later than to-morrow, owing to the agreement

we had to take up nothing but routine or formal business on Wednesday, I should not feel inclined to call up for action a bill of that importance. What I meant by that statement was that I should not feel warranted in calling up a contested matter. If that bill or any other bill came over on Wednesday and proved to be only a formal matter, I see no reason why it might not be properly disposed of.

Mr. GARRETT of Tennessee. Mr. Speaker, in order that Members may understand, there is a possibility that if the river and harbor bill passes the Senate to-morrow some action might be taken. Several gentlemen are interested very much in the river and harbor bill and have spoken to me, as I have no doubt they have spoken to the gentleman from Connecticut, and they are anxious that the question be left open until Wednesday, that there be no fixed determination this afternoon that nothing should be done. I understand the attitude of the gentleman from Connecticut is to leave the question open so that there may be possible action if the bill comes over.

Mr. TILSON. That is correct.

PROSPERITY OF THE UNITED STATES STEEL CORPORATION

Mr. LANKFORD. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the prosperity of the United States Steel Corporation.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LANKFORD. Mr. Speaker and gentlemen of the House, in an editorial on last Saturday, the Washington Post of this city points with pride to the recent 40 per cent stock dividend of the United States Steel Corporation and in effect shouts now there can no longer be doubt of the great prosperity of our country.

Let us not think that because bandits hold up a bank and get away with a hundred thousand dollars and are prosperous then that everyone else is prosperous; neither let us believe that because the profiteers of the Nation are prosperous then that all the people of our Nation are prosperous. What is the real truth? The United States Steel Corporation, from its mass of stolen goods has declared a 40 per cent stock dividend and this is hailed with delight by many as a token of prosperity. Away with this false idea of prosperity. On the contrary, it means that a few individuals have gotten together a large accumulation of stolen property. It means that heartless, soulless, conscienceless, big corporate interests, managed by men in many instances who are cold to every appeal of humanity, justice, and patriotism, are plundering, within unjust and basely discriminatory laws, a hundred million bleeding, suffering, and dying men, women, and children. It means that there are too many, yet, who rejoice over the unjust accumulation of wealth by one millionaire rather than over the prosperity of the great common people. It means that the plundering of the Nation, or the common people, of hundreds of millions of dollars is to be hailed by many as an act of patriotism and that the perpetrator is to receive the plaudits of those engaged in similar business or well-wisher to it.

Such dividends in the midst of the human suffering and financial distress which is abroad in our land is not indicative of the prosperity of our Nation. It is a glaring signal of unjust and corrupt favoritism in legislation and government. It is the result of the grossest sort of high-price fixing of what the common people must buy and of a stubborn refusal to give the great citizenship of our Nation even a square deal.

For every chuckle of delight which dulls the conscience of the conspirators who board this and other similarly ill-gotten wealth there results the degradation, poverty, and death of countless millions of outraged men, women, and children.

And this is called prosperity. It is the prosperity of the lion destroying the lamb. If this is prosperity, then the early settlers of our country were prosperous when the Indians were burning their homes, destroying their property, scalping their wives and children, and carrying them into captivity and to torture and death.

This is prosperity such as came to the Belgians when the German hordes were at their doors, when death and devastation were on every hand and when the cannon roar rocked their hills.

This is success of a favored few wrung from the great common people by taskmasters more cruel than ever lashed Egyptian wretch or galley slave. It is the fiendish prosperity of those who put money ahead of men, property ahead of people, boodle ahead of boys and girls, criminal profits and pleasures ahead of children's rights and welfare, the profiteer

ahead of the patriot, conscienceless greed ahead of our country's need, and gold ahead of God.

ENROLLED BILL SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 12316. An act to amend the Panama Canal act and other laws applicable to the Canal Zone, and for other purposes.

ADJOURNMENT

Mr. MAGEE of New York. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 3 minutes p. m.) the House adjourned until to-morrow, Tuesday, December 21, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, December 21, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

War Department appropriation bill.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

806. A letter from the Secretary of the Navy, transmitting a report of claims arising out of damages to private property due to the operation of naval aircraft, which were ascertained, adjusted, determined, and paid by the department during the fiscal year ending June 30, 1926, from the appropriation "Aviation, Navy, 1926"; to the Committee on Expenditures in the Navy Department.

807. A letter from the Secretary of the Navy, transmitting a list of cases of relief granted since last report under date of November 30, 1925; to the Committee on Expenditures in the Navy Department.

808. A letter from the Secretary of War, transmitting a draft of a bill for the relief of Athanasios Metaxiotos, a former employee of the Isthmian Canal Commission, who was injured in the line of duty; to the Committee on Claims.

809. A letter from the Secretary of War, transmitting a draft of a bill for the relief of Steadman Martin, an employee of the Isthmian Canal Commission, who was injured in the line of duty; to the Committee on Claims.

810. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Department of Agriculture for the fiscal year 1927, for fighting and preventing forest fires, for forest roads and trails, and for administration of the United States warehouse act, amounting in all to \$3,561,250 (H. Doc. No. 600); to the Committee on Appropriations and ordered to be printed.

811. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Treasury Department, secret-service division, for the fiscal year ending June 30, 1927, \$766.67 (H. Doc. No. 601); to the Committee on Appropriations and ordered to be printed.

812. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Treasury Department for the fiscal year ending June 30, 1927, pertaining to the Office of the Supervising Architect, \$32,569.28 (H. Doc. No. 602); to the Committee on Appropriations and ordered to be printed.

813. A communication from the President of the United States, transmitting a supplemental estimate of appropriation under the legislative establishment, Botanic Garden, for the fiscal year 1927, in the sum of \$4,000 (H. Doc. No. 603); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. COYLE: Committee on Naval Affairs. H. R. 15415. A bill to authorize the construction of additional vessels; without amendment (Rept. No. 1635). Referred to the Committee of the Whole House on the state of the Union.

Mr. MAGEE of Pennsylvania: Committee on Naval Affairs. H. R. 14248. A bill to amend the provisions contained in the act approved March 3, 1915, providing that the Chief of Naval Operations, during the temporary absence of the Secretary and

Assistant Secretary of the Navy, shall be next in succession to act as Secretary of the Navy; without amendment (Rept. No. 1636). Referred to the Committee of the Whole House on the state of the Union.

Mr. COYLE: Committee on Naval Affairs. H. R. 12852. A bill authorizing the Secretary of the Navy to accept on behalf of the United States title in fee simple to a certain strip of land and the construction of a bridge across Archers Creek in South Carolina; without amendment (Rept. No. 1637). Referred to the Committee of the Whole House on the state of the Union.

Mr. MAGEE of Pennsylvania: Committee on Naval Affairs. H. R. 12212. A bill authorizing the Secretary of the Navy to dispose of obsolete aeronautical equipment to accredited schools, colleges, and universities; with amendment (Rept. No. 1638). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. S. 4445. An act to amend the act entitled "An act to enable the trustees of Howard University to develop an athletic field and gymnasium project, and for other purposes," approved June 7, 1924; without amendment (Rept. No. 1639). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. DREWRY: Committee on Naval Affairs. H. R. 15048. A bill providing for the promotion of Lieut. Commander Richard E. Byrd, United States Navy, retired, and awarding to him a congressional medal of honor; without amendment (Rept. No. 1640). Referred to the Committee of the Whole House.

Mr. DREWRY: Committee on Naval Affairs. H. R. 15049. A bill providing for the promotion of Floyd Bennett, aviation pilot, United States Navy, and awarding to him a congressional medal of honor; without amendment (Rept. No. 1641). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MORGAN: A bill (H. R. 15467) to revise and equalize the rate of pension to certain soldiers, sailors, and marines of the Civil War; to certain widows, children of such soldiers, sailors, and marines; and granting pensions and increases of pensions in certain cases; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 15468) to authorize payment of compensation to retired warrant officers and enlisted men employed by the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. DYER: A bill (H. R. 15469) to amend the act entitled "An act to extend the time for the completion of the municipal bridge approaches, and extensions or additions thereto, by the city of St. Louis, within the States of Illinois and Missouri," approved February 13, 1924; to the Committee on Interstate and Foreign Commerce.

By Mr. HILL of Maryland: A bill (H. R. 15470) to amend the national prohibition act to permit the manufacture, sale, transportation, importation, or exportation of beverages which are not in fact intoxicating, as determined in accordance with the laws of the respective States; to the Committee on the Judiciary.

By Mr. KIRK: A bill (H. R. 15471) granting pensions and increase of pensions to certain soldiers, sailors, and marines of the war with Spain, the Philippine insurrection, the China relief expedition, or the Coast Guard Artillery Service of the United States, their widows and orphans; to the Committee on Pensions.

By Mr. WOLVERTON: A bill (H. R. 15472) to revive and reenact an act entitled "An act granting the consent of Congress to the Kanawha Falls Bridge Co. (Inc.) to construct a bridge across the Kanawha River at Kanawha Falls, Fayette County, W. Va.; to the Committee on Interstate and Foreign Commerce.

By Mr. BACON: A bill (H. R. 15473) to prohibit the importation free of duty of foreign-made parts for use on American-made machines; to the Committee on Ways and Means.

By Mr. HAUGEN: A bill (H. R. 15474) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of surplus of agricultural commodities; to the Committee on Agriculture.

By Mr. ZIHLMAN: A bill (H. R. 15475) amending the act approved August 30, 1890 (Stat. L., vol. 26, pp. 412-413),

relative to proceedings for condemnation of land for public purposes; to the Committee on the District of Columbia.

By Mr. MORGAN: A bill (H. R. 15476) to authorize the appropriation for use by the Secretary of Agriculture of certain funds for wool standards, and for other purposes; to the Committee on Agriculture.

By Mr. KINDRED: A bill (H. R. 15477) to establish a national institute of health to authorize increased appropriations for the Hygienic Laboratory and to authorize the Government to accept donations for use in ascertaining the cause, prevention, and cure of disease affecting human beings; to the Committee on Interstate and Foreign Commerce.

By Mr. ALLGOOD: A bill (H. R. 15478) to prohibit the importation of jute and the products made or manufactured from jute into the United States or any of its possessions; to the Committee on Ways and Means.

By Mr. BACON: A bill (H. R. 15479) to create within the Philippine Archipelago a jurisdiction to be known as the Moro Province, and to provide a government therefor; to the Committee on Insular Affairs.

By Mr. MORROW: A bill (H. R. 15480) granting certain lands to New Mexico College of Agriculture and Mechanic Arts for the purpose of conducting educational, demonstrative, and experimental development with livestock, grazing methods, and range forage plants; to the Committee on the Public Lands.

By Mr. JOHNSON of South Dakota: A bill (H. R. 15481) to regulate the pay and allowances of certain officers of the United States Navy; to the Committee on Naval Affairs.

By Mr. KINDRED: Joint resolution (H. J. Res. 309) authorizing the Postmaster General of the United States to set aside Christmas Day as a national full holiday for rural carriers, letter carriers, and all postal employees of the United States Government; to the Committee on the Post Office and Post Roads.

By Mr. McDUFFIE: Joint resolution (H. J. Res. 310) authorizing the erection of a monument to the memory and at the grave of the Indian chief, William Weatherford, known as the "Red Eagle"; to the Committee on the Library.

By Mr. DICKINSON of Iowa: Joint resolution (H. J. Res. 311) to create a commission to select and recommend location for summer White House and report findings to Congress; to the Committee on Rules.

By Mr. BROWNING: Resolution (H. Res. 347) to instruct the Committee on Agriculture to substitute an excise tax on protected manufacturing for an equalization fee in agricultural bill; to the Committee on Rules.

By Mr. BUTLER: Resolution (H. Res. 348) for the consideration of H. R. 15415, a bill to authorize the construction of additional vessels; to the Committee on Rules.

By Mr. BLANTON: Resolution (H. Res. 349) providing for printing of the report of investigation of St. Elizabeths Hospital by the Comptroller General of the United States under the authorization of Congress; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 15482) granting permission to Capt. Thomas L. Johnson, United States Navy, to accept a brevet and medal of the French Legion of Honor, tendered by the President of the French Republic; to the Committee on Naval Affairs.

By Mr. BACHARACH: A bill (H. R. 15483) granting an increase of pension to Mary A. Kretschmar; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15484) granting an increase of pension to Ellen N. West; to the Committee on Invalid Pensions.

By Mr. BROWNE: A bill (H. R. 15485) granting a pension to Julia Davis; to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 15486) granting a pension to Bertie C. Nields; to the Committee on Invalid Pensions.

By Mr. CANFIELD: A bill (H. R. 15487) to correct the military record of Jordan Kidwell; to the Committee on Military Affairs.

By Mr. DYER: A bill (H. R. 15488) granting a pension to Eva Rensch Hudson; to the Committee on Pensions.

By Mr. ELLIOTT: A bill (H. R. 15489) granting a pension to George Cheesman; to the Committee on Invalid Pensions.

By Mr. ELLIS: A bill (H. R. 15490) granting a pension to Louisa Rasp; to the Committee on Invalid Pensions.

By Mr. FENN: A bill (H. R. 15491) granting an increase of pension to M. Jennie Hull; to the Committee on Invalid Pensions.

By Mr. FISH: A bill (H. R. 15492) granting an increase of pension to Eliza K. D. Mann; to the Committee on Invalid Pensions.

By Mr. HOCH: A bill (H. R. 15493) granting an increase of pension to Elvira Cuning; to the Committee on Invalid Pensions.

By Mr. MORTON D. HULL: A bill (H. R. 15494) granting a pension to Lizzie Fenton; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Illinois: A bill (H. R. 15495) granting an increase of pension to Mary A. McCune Brown; to the Committee on Invalid Pensions.

By Mr. JONES: A bill (H. R. 15496) granting a pension to Libethe Youngblood; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 15497) granting an increase of pension to Emily D. Monk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15498) granting a pension to Carrie B. Gaddis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15499) granting an increase of pension to Elizabeth South; to the Committee on Invalid Pensions.

By Mr. KETCHAM: A bill (H. R. 15500) granting a pension to Susan Whittemore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15501) granting a pension to Margaret G. Atchinson; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 15502) granting an increase of pension to Margaret Spencer; to the Committee on Invalid Pensions.

By Mr. KURTZ: A bill (H. R. 15503) granting an increase of pension to Catharine Turnbaugh; to the Committee on Invalid Pensions.

By Mr. McFADDEN: A bill (H. R. 15504) to correct the military record of Lemuel Horton; to the Committee on Military Affairs.

By Mr. McSWAIN: A bill (H. R. 15505) for the relief of E. C. Howze; to the Committee on Claims.

By Mr. MARTIN of Massachusetts: A bill (H. R. 15506) granting an increase of pension to Elizabeth Gordon; to the Committee on Invalid Pensions.

By Mr. MOORE of Kentucky: A bill (H. R. 15507) granting a pension to Nannie Austin; to the Committee on Pensions.

By Mr. MORGAN: A bill (H. R. 15508) granting an increase of pension to Curney G. Hill; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 15509) granting an increase of pension to Catherine Giffen; to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 15510) granting an increase of pension to Mary A. Trumble; to the Committee on Invalid Pensions.

By Mr. PATTERSON: A bill (H. R. 15511) granting an increase of pension to Katie C. Manson; to the Committee on Pensions.

By Mr. PURNELL: A bill (H. R. 15512) granting an increase of pension to Lucy J. Swearingen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15513) granting an increase of pension to Louisa E. Harrison; to the Committee on Invalid Pensions.

By Mr. SANDERS of New York: A bill (H. R. 15514) granting an increase of pension to Jennie Hanes; to the Committee on Invalid Pensions.

By Mr. SEARS of Florida: A bill (H. R. 15515) granting a pension to Samuel L. Smith; to the Committee on Pensions.

By Mr. SHREVE: A bill (H. R. 15516) granting a pension to Rose M. Mehleck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15517) granting an increase of pension to Fannie C. Burdick; to the Committee on Invalid Pensions.

By Mr. STALKER: A bill (H. R. 15518) granting an increase of pension to Mary J. Coon; to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 15519) for the relief of Albert J. Zyvolski; to the Committee on Claims.

Also, a bill (H. R. 15520) validating homestead entry of Englehard Sperstad for certain public land in Alaska; to the Committee on the Public Lands.

By Mr. SWOOPE: A bill (H. R. 15521) granting an increase of pension to Mary Arnold; to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 15522) granting a pension to Sherman H. Wharton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15523) granting an increase of pension to Joseph La Rue; to the Committee on Pensions.

By Mr. WYANT: A bill (H. R. 15524) granting an increase of pension to Mary Leffler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15525) granting an increase of pension to Clara Ziegler; to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: A bill (H. R. 15526) granting a pension to William R. Lewis; to the Committee on Invalid Pensions.
Also, a bill (H. R. 15527) granting an increase of pension to Sarah J. Ramsey; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4380. By Mr. BROWNE: Petition of citizens of Wisconsin, favoring the passage of House bill 10311; to the Committee on the District of Columbia.

4381. By Mr. CARTER of California: Petition of the California Economic Research Council, urging an appropriation of sufficient funds which will enable the Bureau of Soils to publish soil surveys and have them available for distribution as soon as possible after completion of the field work as the bureau is now approximately three years in arrears in issuing maps and reports; to the Committee on Appropriations.

4382. By Mr. FRENCH: Petition of citizens of Weiser, Idaho, and Nampa, Idaho, requesting that veterans of the Indian wars, their widows and dependents, be granted an increase of pension; to the Committee on Pensions.

4383. By Mr. HOOPER: Petition of Mrs. A. M. Houser and 11 other residents of Battle Creek, Mich., protesting against the passage of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4384. By Mr. KINDRED: Petition of the Medical Society of the State of New York to the Congressmen, individually and collectively, of New York State, to oppose any amendment and revision of the Harrison narcotic law that would make more difficult the conditions under which physicians are obliged to work at present. It requests immediate and continued opposition to favorable action on House bill 11612 and its companion, Senate bill 4085; to the Committee on Ways and Means.

4385. By Mr. MORROW: Petition of American Mining Congress re Senate bill 564; to the Committee on the Public Lands.

4386. By Mr. O'CONNELL of New York: Petition of the National Association of Credit Men, 1 Park Avenue, New York City, favoring the enactment of the McFadden banking bill without the Hull amendment; to the Committee on Banking and Currency.

4387. Also, petition of the Medical Society of the State of New York, opposing the passage of Senate bill 4085 and House bill 11612, to amend the Harrison narcotic law; to the Committee on Ways and Means.

SENATE

TUESDAY, December 21, 1926

(Legislative day of Friday, December 17, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the following bills, each with amendments, in which it requested the concurrence of the Senate:

S. 3728. An act to grant to the State of New York and the Seneca Nation of Indians jurisdiction over the taking of fish and game within the Allegany, Cattaraugus, and Oil Spring Indian Reservations; and

S. 3615. An act for the relief of soldiers who were discharged from the Army during the Spanish-American War because of misrepresentation of age.

The message also announced that the House had passed the bill (S. 4153) to provide for enlarging and relocating the United States Botanic Gardens, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 9564. An act providing for markers for the battle fields of Eastport, Miss., and Iuka, Miss.;

H. R. 9912. An act approving the transaction of the adjutant general of the State of Oregon in issuing property to sufferers from a fire in Astoria, Oreg., and relieving the United States property and disbursing officer of the State of Oregon and the State of Oregon from accountability therefor;

H. R. 11516. An act to authorize the payment of an indemnity to the Government of France on account of losses sustained

by the owners of the French steamship *Madeleine* as a result of a collision between it and the U. S. S. *Kerwood*;

H. R. 12315. An act to amend section 8 of the food and drugs act, approved June 30, 1906, as amended;

H. R. 13445. An act to provide for graduated special-handling postage charges, according to the weights of the parcels, and to extend special-delivery service to such parcels of fourth-class matter;

H. R. 13446. An act to restore the rate of postage of 1 cent each to private mailing or post cards;

H. R. 13447. An act to provide for an additional charge on first-class matter mailed short paid more than one rate;

H. R. 13448. An act authorizing the transmission of business reply cards in the mails and prescribing the rate of postage thereon;

H. R. 13449. An act to amend section 203 of Title II of the act of February 28, 1925, by prescribing a more equitable rate for transient second-class mail matter;

H. R. 13500. An act to amend section 176 of the Judicial Code;

H. R. 14250. An act to authorize reimposition and extension of the trust period on lands held for the use and benefit of the Capitan Grande Band of Indians in California;

H. J. Res. 233. Joint resolution authorizing the Secretary of War to loan certain French guns which belong to the United States and are now in the city park at Walla Walla, Wash., to the city of Walla Walla, and for other purposes; and

H. J. Res. 298. Joint resolution authorizing the Secretary of War to lend 700 cots and 700 blankets for the use of the North Carolina Department of the American Legion at its annual convention at Washington, N. C., in August, 1927.

The VICE PRESIDENT. The Senate resumes the consideration of House bill 11616.

RIVER AND HARBOR BILL

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11616) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. SHEPPARD obtained the floor.

Mr. OVERMAN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	King	Shipstead
Bayard	Fletcher	Lenroot	Shortridge
Bingham	Frazier	McKellar	Simmons
Blease	George	McLean	Smith
Borah	Gillett	McMaster	Smoot
Bratton	Goff	McNary	Stanfield
Broussard	Gooding	Mayfield	Steck
Bruce	Gould	Metcalf	Stephens
Cameron	Greene	Moses	Stewart
Capper	Hale	Neely	Swanson
Caraway	Harrell	Norris	Trammell
Copeland	Harris	Oddie	Tyson
Couzens	Harrison	Overman	Wadsworth
Curtis	Hawes	Pine	Walsh, Mass.
Deneen	Heflin	Pittman	Walsh, Mont.
Dill	Howell	Ransdell	Warren
du Pont	Johnson	Reed, Pa.	Watson
Edge	Jones, N. Mex.	Robinson, Ind.	Wheeler
Edwards	Jones, Wash.	Sackett	Willis
Ernst	Kendrick	Schall	
Ferris	Keyes	Sheppard	

Mr. CURTIS. I desire to announce that the junior Senator from Wisconsin [Mr. LA FOLLETTE] is absent on account of illness, and that the junior Senator from North Dakota [Mr. NYE] is absent because of illness in his family. I will let this announcement stand for the day.

Mr. McMASTER. I wish to announce that the senior Senator from South Dakota [Mr. NORBECK] is unavoidably absent. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Eight-two Senators having answered to their names, a quorum is present. The Senator from Texas [Mr. SHEPPARD] is entitled to the floor.

Mr. NORRIS. Will the Senator from Texas yield to me?

Mr. SHEPPARD. I yield to the Senator from Nebraska.

STOCK DIVIDENDS OF CORPORATIONS

Mr. NORRIS. I ask unanimous consent out of order to introduce a Senate resolution. I ask that it be read and then if there is any desire to have it go over under the rule I shall not object.

The VICE PRESIDENT. Does the Senator desire immediate consideration of the resolution?

Mr. NORRIS. I desire to have it read.

The VICE PRESIDENT. The clerk will read the resolution.